

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1007 of 2016**

Sukh Lal Prasad

.... Appellant/s

Versus

Babulal Prasad & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar No.6

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 08-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 10.08.2016 passed by Sub Judge III, Aurangabad in Partition Suit No.199 of 2007 whereby the learned Court below has rejected the application filed by the petitioner under Section 10 of the Code of Civil Procedure praying for stay the partition suit till disposal of Probate Case No.20 of 2010.

Admittedly, the partition suit is of the year 2007. This Court in **AIR 2006 Patna 164** has considered this aspect of the matter and has held that on the ground that subsequent probate case has been filed, the previous suit cannot be stayed under Section 10 of the Code of Civil Procedure.

Thus, I find no reason to interfere with the impugned order and accordingly, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)