

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 744 of 2016

- Balbhadra Prasad Agrawal S/o Shri Ramsundar Lal Agrawal, Aged About 46 Years Caste Agrawal, Occupation Shopkeeper, R/o Katiyapar, Udai Chowk, Juna Bilaspur, Bilaspur, Presently At Opposite Chhattisgarh Bhawan, Near Tahsil Office, Bilaspur, Tahsil & District Bilaspur, Civil & Revenue District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. Rampal Shukla S/o Late Ramsnehi Shukla, Aged About 70 Years Caste Brahman, Retired Bank Employee, R/o Shanichari Bazar Road, Bilha, Tahsil Bilha, District Bilaspur, (Chhattisgarh)
2. State Of Chhattisgarh, Through The Collector, Bilaspur, (Chhattisgarh)

---- Respondent

For Petitioners

Mr. B.P. Sharma and Mr. Ashutosh Shukla, Advocate

For Respondent /State

Mr. Majid Ali, Panel Lawyer

S.B. Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

7/12/2016

1. Heard.
2. The trial Court has rejected the petitioner/defendant No.1's application under Section 10 read with Section 151 of the Code of Civil Procedure, 1908.
3. In the subject application, the petitioner, who is defendant No.1 before the trial Court, has prayed that the hearing of the suit be stayed during pendency of Second Appeal No.203 of 2016 before this Court.

4. While rejecting the prayer, the trial Court has observed that the cause of action for filing two suits are different, therefore, even if the suit property may be the same, but the nature of claim preferred by the present plaintiffs and the one decided earlier, which is now pending in Second Appeal No.203 of 2016, being different from the present suit, no case for staying the suit is made out.
5. After hearing learned counsel for the petitioner and upon perusal of the documents, this Court is not persuaded to take any different view of the matter. The trial Court has passed a reasoned order within the sweep of Section 10 of the CPC, therefore, no case for entertaining this petition is made out.
6. Accordingly, the writ petition is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

Judge

(Prashant Kumar Mishra)

Gowri