

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.529 of 2017

Ajay Kumar Singh, Son of Late Jagdish Prasad Singh, Resident of village -
Maranchi, Ujagar Hasanpur, P.S. Hasanpur, District - Samastipur

... .. Appellant/s

Versus

1. Rama Sinha, W/o Yugal Kishore Prasad Singh,
2. Yugal Kishore Prasad Singh, S/o Late Jhingur Singh, Both Resident of village
- Dadhpura, P.O. Gadhpura, Pargana - Bhusari, Sub Division - Bakhri,
District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-09-2017 Heard learned counsel for the parties.

2. The Court of learned Munsif, Bakhari, Begusarai, has dismissed an application for stay of T. Eviction No. 04 of 2015 under Section 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as the Code) by order dated 03.01.2017. It appears that the petitioner filed a Title Suit being T.S. No. 65 of 2015 on 04.02.2015, which is pending in the Court of learned Sub-Judge I, Begusarai. The Respondents have filed said T. Eviction No. 04/2015, seeking eviction of the petitioner from the suit premises.

3. Learned counsel appearing on behalf of the petitioner has submitted that the dispute between the parties being substantially same in both the cases, the Court below ought to



have stayed the proceeding in subsequently filed T.Eviction Suit No. 04 of 2015. Learned court below, in my view, has rightly rejected the petitioner's application since the two proceedings, viz, T.S. No. 65 of 2015 and T. Eviction No. 04 of 2015 cannot be said to be having the same matters in issue, directly or substantially. The nature of the two suits are entirely different.

4. The order does not require any interference.
5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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