

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5677 of 2013

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Munna Rai Son of Late Kapildeo Rai Resident of Village- Bangra, Post Office- Narhawan, Shukla, Police Station- Kuchaikot, District- Gopalganj

.... Petitioner/s

Versus

Pankaj Kumar Tiwary @ Pappu Tiwary Son of Late Jagarnath Tiwary Resident Of Village- Bangra Tola Kamlapatti, Post Office- Narhawan Shukla, Police Station- Kuchaikot, District- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 27-02-2017

Heard learned counsel for the petitioner. No one appears on behalf of the opposite party even on service of notice.

The petitioner has preferred this writ petition for quashing of the order dated 24.01.2013 passed by the learned Sub Judge 1st, Gopalganj in Money Suit No. 11 of 2007 by which he refused to hear the Money Suit No. 11 of 2007 as well as Money Suit No. 16 of 2007 analogously.

Submission on behalf of the petitioner is that the opposite party has filed Money Suit No. 11 of 2007 claiming damage of Rs. 2,00000/- against the petitioner due to stoppage of function of brick clin. The opposite party claimed before the Court below that he had taken land of the petitioner on rent for running the brick clin for



a certain period but before completion of the aforesaid period, the petitioner forcibly stopped the function of brick clin causing damage to him which resulted in filing of Money Suit No. 11 of 2007. Likewise, petitioner filed Money Suit No. 16 of 2007 against the opposite party for realization of Rs. 1,99,500/- as the opposite party failed to make payment of rent of land which had been given to him for running brick clin. The petitioner then filed a petition before the Sub-judge 1st, Gopalganj praying therein for hearing of both the above said suits analogously but the learned court below refused to grant relief to the petitioner by passing impugned order on the ground that the evidence in Money Suit No. 11 of 2007 has already commenced.

Learned counsel for the petitioner submits that both the said suits have been filed for the same subject matter and both the parties making claim of money against each other and therefore, it would be proper and just to hear and dispose off both the aforesaid suits analogously and if it is not done, there is a possibility of different opinion of the Court. Since in Money Suit No. 11 of 2007 the evidence has already commenced, in my view, it would not be proper to direct the trial Court to proceed with the aforesaid suits analogously. However, the Court below is directed that in both the aforesaid suits the judgments should be pronounced by the same



Court on the same day.

With the aforesaid observation, this petition stands disposed off with direction to the learned Sub-Judge 1st/concerned Court, Gopalganj to pronounce the judgment in both the aforesaid suits on the same day.

It is also made clear that if the aforesaid suits are pending in two different courts, then in that event, the learned District Judge, Gopalganj shall ensure that both the suits be heard and disposed off on the same day by the same Court.

(Hemant Kumar Srivastava, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	2.3.2017
Transmission Date	

