

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.980 of 2017

=====

1. Ashok Poddar Son of Late Janardan Poddar, Resident of Village-Puraini,
P.S.Puraini, District-Madhepura.

.... Petitioner

Versus

1. Md. Rafique Alam, Son of Late Md. Sayeed Resident of Village-Puraini, P.S. Puraini District-Madhepura.
2. Rajeev Poddar Son of Late Janardan Poddar,
3. Pawan Sah, Son of Late Kalar Sah.
4. Md. Sudai, son of Late Nor Mohammad
5. Rajendra Bhagat, Son of Late Jagdish Bhagat
6. Maina Sah, Son of Satya Narayan Sah
7. Md. Amjad, Son of Md. Nasim
8. Satya Narayan Sah, Son of Nathon Sah
9. Md. Nasim Sah, Son of Late Vfat Hussain
10. Ramesh Sah, Son of Late Sheo Sah, All are residents of village Puraini,
P.S. Puraini, Dist.- Madhepura

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Bhubneshwar Prasad

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 20-06-2018

Heard learned counsel for the petitioners.

The petitioners have filed this Civil Miscellaneous petition against the order dated 24.03.2017 passed in Title (Eviction) Suit No.288 of 2011 by which the prayer of the petitioners for stay of further proceeding of Title (Eviction) Suit No.288 of 2011 is dismissed.

One Laxmi Devi filed Title Suit No.210 of 2010 for declaration that Rajesh Sharma is an imposter and not the son of Puranmal Maharaj @ Sharma, who executed the sale deed with



regard to same land in favour of Md. Rafique Alam, who filed T.S. No.299 of 2011 for eviction of the petitioners from the suit property.

Learned counsel for the petitioners submits that in both the suits, the issues are same and similar. Therefore, the further proceeding of T.S. No.288 of 2011 should have been stayed and the learned Sub-Judge-VIIth, Madhepura has committed illegality but I do not find any force in the submission of the learned counsel for the petitioners. Rajesh Sharma executed a sale deed with regard to the land in favour of Md. Rafique Alam. On the basis of aforesaid sale deed, Md. Rafique Alam filed T.S. No. 288 of 2011 for eviction but Laxmi Devi filed T.S. No.210 of 2010 that Rajesh Sharma is not the real owner of the suit land and he is not the son of Puranmal Sharma. Title Suit No.210 of 2010 is filed for declaration of title and cancellation of sale deed whereas the vendor of Rajesh Sharma filed T.S. No.288 of 2011 for eviction of the tenant petitioners from the suit premises after the plaintiff purchased the land from Rajesh Sharma, the owner of the land. Therefore, I find that in both the suits, the issues are quite different and learned Sub Judge-VIIth, Madhepura has rightly dismissed the petition of the petitioners filed under Section 10 of the Code of Civil Procedure.



Considering the facts aforesaid, I do not find any merit
in this Civil Miscellaneous petition.

Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

U			
---	--	--	--

