

112.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CIVIL REVISION-2832-2018 (O&M)

Date of decision:02.05.2018.

VISHAL GOEL

... Petitioner

Versus

M/S MAGAR SALES & SERVICES PVT LTD

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 01.12.2017 (Annexure P-1)) passed by Civil Judge (Junior Division), Ludhiana, whereby the application filed by the petitioner under Section 10 CPC for staying the proceedings in civil suit titled as M/s Magar Sales & Services Private Limited Versus Vishal Goel”, has been dismissed.

Briefly stated, respondent-plaintiff has filed a suit for recovery of ₹2,46,352/- in the court of Civil Judge (Junior Division), Ludhiana. While the said suit was pending, petitioner-defendant has moved an application under Order 10 CPC for staying the proceedings in the pending suit on the ground that the suit filed by the plaintiff is based upon the invoices and account statements whereas the respondent-plaintiff has disputed the payment of invoices. The respondent-plaintiff has filed the suit at Ludhiana. It has been argued that filing of the civil suit at Ludhiana is

nothing but a counter-blast to the suit filed by the petitioner which is

pending before the Civil Court, Amloh.

Having heard learned counsel for the petitioner and perusing the record, this Court finds that the present suit which has been filed by the respondent-plaintiff for recovery of ₹2,46,352/- on the basis of invoice numbers of the year 2014, whereas the other suit filed by the petitioner before the Amloh Court is on the basis of invoice number of the year 2016. Therefore, the cause of action in both the suits is different and thus, this Court finds that the trial Court has rightly dismissed the application filed by the petitioner under Section 10 of CPC.

Accordingly, the present revision petition is dismissed.

(HARI PAL VERMA)
JUDGE

02.05.2018

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No