

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

**CR No. 16798 of 2018 (O&M)
Date of Decision: 20.01.2020**

Titagarh Agrico Pvt. Ltd.
(now known as CIMMCO Ltd.)

....Petitioner

Versus

Sudhir Kashyap and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioner.

Mr. Sanjeev Sharma, Advocate
for respondent No. 1.

ANIL KSHETARPAL, J. (ORAL)

Correctness of order passed by Ld. Civil Judge, Junior Division, Gurugram dismissing an application under Section 10 CPC for stay of the proceedings in the suit, has been challenged in the present revision petition.

The petitioner as a plaintiff had filed a suit in the Civil Court at Alipore, Kolkata for recovery of Rs. 2,80,66,340/- from the respondent. The suit was for award of damages. It is claimed that the respondent was an employee of the petitioner company and due to his act and conduct, the company has suffered losses.

On the other hand, the plaintiff has filed a suit at Gurugram Court claiming arrears of salary. Learned trial Court on appreciation of pleadings has found that the issues arising in both the suits are not directly and substantially the same.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the paper book. Learned counsel for the petitioner submitted that the respondent was an employee of the petitioner company and main assertion made in the suit filed by the company would be the defense of the petitioner company in the suit filed by the respondent. He, hence, submitted that the learned trial Court has erred in dismissing the application under Section 10 CPC.

This Court has considered submission, however, finds no substance therein. As per Section 10 of Code of Civil Procedure, trial of the subsequent suit can only be stayed if it is established on the record that the matter in issue in the previous instituted suit is directly and substantially in issue in a subsequently instituted suit also.

In the present case, this Court finds that no material has been placed on file to record such finding. In view thereof, there is no ground to interfere.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

20.01.2020
Maninder

Whether speaking/reasoned : Yes
Whether reportable : No