

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.965 of 2018

Abhishek Gami Son of Sri Pradeep Kumar Gami, resident of 128, West of Canal, Vishweshariya Nagar, Pharmacy College Road, Danapur, P.O.- Danapur, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

Smt. Savitri Devi Wife of Late Ram Ekbal Sharma, resident of Gola Road, Ramjaipal Nagar, Opposite Gyanoday Gurukul School, Danapur, P.S.- Rupaspur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Tiwari
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-08-2022 Heard Mr. Sunil Kumar Tiwari, learned counsel for the petitioner.

The petitioner has challenged the order dated 08.05.2018 passed by learned Munsif, Danapur in Title Eviction Suit No. 08 / 2017.

The contention of the petitioner before this Court is that the petitioner was inducted as a tenant in the suit premises by the plaintiff, however, by passage of time the defendant got married with the daughter of the plaintiff of Eviction Suit and subsequently, the daughter i.e. wife of the petitioner filed title partition suit claiming share in the property held by the plaintiff. Accordingly, a petition under Section 10 of the CPC was filed by the petitioner -tenant praying therein for stay of the hearing



of the eviction suit till the judgment of Title Partition Suit No. 35 / 2017 which was filed subsequent to the title eviction suit by the wife of the petitioner.

I have heard learned counsel for the petitioner and have perused the impugned order. The learned trial court has come to the finding that Section 10 of the CPC is not attracted because the subject matter of both the suits are different. I do not find any infirmity in the impugned order.

Accordingly, this application is rejected.

(Anil Kumar Sinha, J)

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