

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1653 of 2018

1. Abhay Kumar Singh
2. Ahilesh Kumar Singh.
3. Amalesh Kumar Singh, All sons of Late Satyendra Narayan Singh and resident of village and PO- Meghua, PS- Rajpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. Baby Devi Alias Sanju Devi daughter of Late Ram Chabdra Singh and wife of Anil Kumar, resident of village and PO- Meghua, PS- Rajpur, Dist.- East Champaran.
2. Archana Singh, wife of Ram Vinay Singh, Resident of Bishunpur Fakira, PO- Chhatauni, PS- Tariyani, Dist- Sheohar.
3. Rahul Kumar, Son of Kedar Singh
4. Sunita Devi , Wife of Awadhesh Paswan. Respondent 3 and 4 resident of village and PO- Aura, PS- Tariyani Dist.- Sheohar.
5. Suresh Prasad Singh, son of Late Triveni Singh, resident of village Barahi Chintaman, PS- Majorganj, Dist- Sitamarhi, Presently residing at village and PO- Aura, PS- Tariyani, Dist.- Sheohar.
6. Shree Narayan Dubey, son of Late Chatur Dubey.
7. Bachchi Devi, wife of Satyendran Singh Respondent 6 and 7 resident of village and PO- Aura, PS- Tariyani, Dist- Sheohar.
8. Ram Sihansan Singh, Son of Late Jay Singh, resident of village Maheshwara, PS-Gaighat, Dist- Muzaffarpur, Presently residing village Bishunpur Bindi, PO- Aura, PS- Tariyani, Dist- Sheohar.
9. Nawal Kishor Singh, son of Late Dinesh Kumar Singh alias Baldeo Singh.
10. Rina Devi, Wife of Sunil Pandit.
11. Kamod Devi, wife of Sunil Pandit.
12. Kundan Kumar Singh, son of Satyendra Singh. Respondent 9 to 12 resident of village and PO- Aura, PS- Tariyani, Dist- Sheohar.
13. Shakuntala Devi, wife of Harendra Kumar Singh.
14. Nirmala Devi, wife of Harendra Kumar Singh.
15. Mishri Lal Singh, son of Late Triveni Singh. Respondent 13 to 15 resident of village Barahi Jagdish, PS- Purnahiya, Dist.- Sheohar.
16. Kedar Singh son of Late Bindeshwar Singh
17. Satyendra Singh, son of Late Chandra Dhan Dingh Respondent 16 and 17 resident of village and PO- Aura, PS-Tariyani, Dist- Sheohar.
18. Harendra Kumar Singh, son of Kapil Deo Narayan Singh, resident of village Barahi Jagdish, PS- Purnahiya, Dist- Sheohar, presently village and PO- Aura, PS- Tariyani, Dist- Sheohar.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Respondent/s : Mr. Sushmita Mishra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 14-09-2023 1. This is an application for quashing the order dated 25.04.2018 passed by the learned Sub-Judge 1st, Sheohar in T.S. No. 04 of 2012.

2. Heard the learned counsels for the parties.

3. The order dated 25.04.2018 passed by Sub Judge-1st Sheohar is under challenge. The application under Section 10 of the C.P.C. for stay of the suit that is the present suit has been allowed.

4. From the record, it appears that one of the parties that is wife of the present newly added intervenor-defendant had earlier filed an application under Section 10 of the C.P.C. which was dismissed by the Court below on 20.10.2014 and the same was never challenged and became final.

5. Now, the newly added intervenor-defendant has again filed an application under Section 10 of the C.P.C and the suit has been stayed.

6. I have heard the submission of the parties.

7. Once the application filed on behalf of the one of



the defendants under Section 10 for Stay of the suit has been rejected, the other defendant/s cannot again file an application under Section 10 of the CPC for stay of the suit.

8. In my opinion, the impugned order dated 25.04.2018 cannot be sustained.

9. Accordingly, this application is allowed and the order dated 25.04.2018 is hereby quashed.

(Sandeep Kumar, J)

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