IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 31066 of 2024

Chitrasen Banchrur .... ***Petitioner***

Mr. Ashok Kumar Sarangi, Advocate

-versus-

Madhusudan Besan and Others .... ***Opp. Parties***

CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **11.12.2024**

01. 1. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

2. This Writ Petition has been filed by the Petitioner with a prayer for a direction to quash the order dated 06.04.2024 passed by the learned Senior Civil Judge, Sundargarh in LA Reference Case No.04 of 2018 (arising out of L.A. Case No. 15 of 2010).

3. It appears that the Petitioner filed a petition under Section 10 of the CPC with a prayer for stay of LA Case No.04 of 2018 till the finalization of RSA No. 47 of 2018 which is subjudice before this Court. The learned Senior Civil Judge, Sundargarh in the impugned order dated 06.04.2024, has been pleased to hold that in order to apply Section 10 of the CPC, parties to both the proceeding must

be same or between the parties under whom they or any of them claim or litigating under the same title. The Court further observed that the Opposite Party No. 6 is not a party to Civil Suit No. 284 of 2010 out of which RSA No. 47 of 2018 arises which is subjudice before this Court. Therefore, the Court was of the view that there is no scope to stay the proceeding in LA Case No.04 of 2018 under Section 10 of CPC.

4. After going through the provision under Section 10 of the CPC, the impugned order and hearing the learned counsel for the Petitioner, we find no infirmity and illegality in the said order.

Accordingly, the Writ Petition being devoid of merits, stands dismissed.

(S. K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

AKPradhan/Bijay

Signature Not Verified
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Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 13-Dec-2024 10:32:57