Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 5735 of 2024

Petitioner :- Shyam Narayan Ojha
Respondent :- Judicial Officer Gramin Nyayalaya Patti District Pratapgarh And 20 Others
Counsel for Petitioner :- Dinesh Kumar Ojha
Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the parties and perused the record.

2. The present writ petition has been filed by the petitioner with the following prayer :-

"*(i). to stay the entire proceeding of the Original Suit No. 15 of 2023 "Nanhey Lal Vs. Shyam Narayan and others" pending in the court of Judicial Officer, Gramin Nyayalaya, Pargana and Tehsil Patti, District Pratapgarh and further prayed that this Hon'ble Court may kindly be pleased to directed the opposite parties not to disturb the peaceful possession of the petitioner over the disputed land in question, which is contained as Oath Commissioner Annexure No. 2 to this petition, in the interest of justice.*"

3. The counsel for the petitioner states that he has already filed an application under Section 10 CPC as the suit in question is a subsequent suit and is barred by virtue of Section 10.

4. Considering the fact that the application under Section 10 CPC is pending, the present petition is ***disposed of*** with direction to decide the said application under Section 10 CPC as a preliminary issue within a period of two months.

Order Date :- 29.11.2024
Arun

Digitally signed by :-
ARUN KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench