

Aman Channy Vs. Devraj

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Court : Madhya Pradesh

Decided On : May-13-2013

Appellant : Aman Channy

Respondent : Devraj

Advocate for Def. : Shri. R.K.Verma

Advocate for Pet/Ap. : Shri. R.N.Nanhorya

Judgement :

Aman Channy & Anr.

versus Devraj & ORS.Writ Petition No :

11193.

13. 05.2013.

Shri R.N.Nanhorya, learned counsel for the petitioners.Shri R.K.Verma, learned counsel for respondent Nos.1 to 3.

Taking note of the fact that an earlier suit between the same parties with regard to same property is pending consideration in the form of second appeal before this Court being S.A.No.344/2009, which is continuation of the earlier suit and based on the same when all the parties agree that the requirement of Section 10 of Code of Civil Procedure is attracted in the present case, I see no reason to interfere into

the matter.

It is an admitted position that the dispute is pending in both the forum the property is the same, the parties are also same and, therefore, the provisions of Section 10 are applicable in the said case.

Taking note of the same if the learned trial court had to stay proceedings in the subsequent suit, no error has been committed by the court below.

Accordingly, finding no case for interference this petition is dismissed.

(RAJENDRA MENON) JUDGE ss/-

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