

IN THE COURT OF CIVIL JUDGE (SR. DIV.) I, PIRO AT BHOJPUR

Title Suit No. 77 of 2025

Jokhan Ram and Others Vs Sona Ram & Others

S.L. No.	Date of Order of Proceedings	Order with signature of Court	Office action taken with date/ Remarks
	11.03.2026	Attendance filed through counsel on behalf of both the parties. A petition has been filed on dt. 18-12-2025 on behalf of the defendant 1 to 13 under section 10 and 151 C.P.C. praying to stay the suit. The copy of same has been served upon the plaintiff. It has been stated that the plaintiff has filled the suit for declaration of deed dt. 13-03-2025 as void but defendant no 1 to 13 have executed deed no 3705 dt 09-07-2025 in favour of defendant no 15. In this way the deed challenged by the plaintiff is not in existence and thus there exist no basis. Rejoinder has been filled on 29-01-2026 on behalf of plaintiff prying to dismiss the petition dt. 18-12-2025 on the ground that the same is not maintainable. The plaintiff of this suit has not filled any other suit except this one and no others suit except this suit is pending. The plaintiff has not sought any relief related to 13-03-2025 and defendant no 1 to 13 have not executed any deed on 3705 in favour of defendant no 15. Heard the ld. counsel for defendants Mr. Kumar Rajesh Sikriwal and ld. counsel for the plaintiff Mr. Binod Kumar Rai at length and perused the case record. The suit has been brought by plaintiffs against defendants praying to declare deed dt 11-03-2025 as void and without title. Since the petition has been filled under section 10 C.P.C. and therefore it is necessary to discuss the important ingredients of that provision. The same is as under- I – there must be two suits i.e. a previously instituted suit and a subsequently instituted suit. II- The matter in controversy in the subsequent suit must be directly and substantially in issue in the previous suit . III- The parties in both suits must be the same or litigating under the same title. IV- The earlier suit must be presently pending in the court of competent jurisdiction. V- The court where the previous suit is pending must have the jurisdiction to grant the relief claimed.	

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continue..

Thus, if all the above ingredients exists then only the court is under duty to stay the subsequent suit.

The defendants have not mentioned in there petition regarding the existence of any issue whatsoever in their petition. It is ample clear that two suits do not exist and therefore there is no application of section 10 C.P.C. here.

Thus, this court is of the considered opinion that the petition filled on behalf of defendants is without any merit and lacks force of law. The petition dt. 18-12-2025 is hereby dismissed for want of any merit.

Put up on 26-03-26 for hearing on amendment petition dt. 29-01-2026.



Civil Judge (Sr. Div.)I

Piro at Bhojpur

Date: 11-03-2026