

11.07.2026

File taken up today in view of Notification No. 71/G-4/Gen-I/DHC dated 10.04.2026, issued by Hon'ble High Court.

Pr. Sh. Sobhit Chander, Ld. Counsel for the plaintiff (through VC).

Sh. Amandeep Singh and Ms. Jagriti Singh, and Sh. Chirag Maddan (through VC), Ld. Counsels for the defendant.

Arguments on application under Section 10 CPC, bearing IA no. 1/2026 CPC, heard. Record perused.

By way of instant application, the defendant is seeking the relief that the instant suit be stayed as the defendant herein had previously instituted a suit titled as Priya & Anr. v. Gurbachan Lal & Ors. bearing CS No. 185/2024, which is pending before this Court. It is averred that two parallel litigations on the same issues should not be tried by this Court, so as to avoid conflicting decisions. Ld. counsel for defendants has placed reliance upon the judgment titled as *National Institute of Mental Health and Neuro Sciences vs. C. Parameshwara, (2005) SCC 256 and Harjeet Singh vs. Paramjeet Singh Mani, 2008 (2) DRJ 446*.

Ld. counsel for plaintiffs states at Bar that he has no objection if the aforesaid application is allowed.

The four essential conditions for the application of Section 10 are as under:-

(a) that the matter in issue in the second suit is also directly and substantially in issue in the first suit;

(b) that the parties in the second suit are the same or parties under whom they or any of them claim litigating under the same title;

(c) that the court in which the first suit is instituted is competent to grant the relief claimed in the subsequent suit

(d) that the previously instituted suit is pending in the same court in which the subsequent suit is brought.

The aforesaid conditions duly apply to the instant suit. The suit of the defendants for the relief of declaration and permanent injunction was filed on 09.04.2024, whereas the instant suit for possession and permanent injunction has been filed subsequently on 27.04.2024. The issues involved in both the suits are identical and both the suits are between the same parties.

As the essential conditions of Section 10 CPC are satisfied, the subsequent suit i.e. the instant suit bearing no. CS 226/2024 titled as *Smt. Chanchal vs. Deepak Kumar* for possession and permanent injunction is hereby stayed. The plaintiffs are at liberty to get the suit revived after decision of the previous suit i.e. CS no. 185/24 titled as *Priya & Ors. vs. Gurbachan Lai*.

**File be consigned to Record Room** and be preserved as per rules. There shall be noting on the cover of the file that it shall not be destroyed without the permission of the Court.

**(SHUCHI LALER)**

District Judge-02 (East),  
Karkardooma Courts/11.07.2026