

**Present : Smt. Bristi Bardhan J.O. Code: WB01490**

**T.S. 181 of 2023**

**CIS No. 181 of 2023**

**Order No. 12**

**11.12.2023**

Today is fixed for hearing petition dated **18.10.2023**.

Both parties file hazira.

Now, the petition dated **18.10.2023** is taken up for hearing.

The petition dated 18.10.2023 is under **Section 10 and Section 151** of CPC.

Ld. Advocate for the Plaintiff had submitted that the Plaintiff of this suit, namely, Shyamal Sundar Giri had filed a previous suit against the same Defendants and upon the same matter in issue. Thus, this suit need to be stayed at this stage.

Ld. Advocate for the Defendant had submitted that the previous suit was completely different from this one so, there is no need of stay upon this suit.

Considering the facts and submissions of this record, the Court is of the opinion that:

1. The previous being no. T.S. 12 of 2022 was between two Defendants but this suit is against 24 Defendants. Thus, this suit and suit being no. T.S. 12 of 2022 are **not** between the **same parties**.
2. The matter in issue in the suit T.S. 12 of 2022 is total upon 5.304 decimals of land in total upon dag no. 108/773, 108/777 and 108/760. But, the **matter in issue** of this suit is upon 08 decimals of land upon RS dag no. 108/773, 108/760 and 25/777. Thus, the suit plot and the decimals of land claimed between these two suits are **completely different**.
3. Thus, there is **no reason** to stay this suit at this stage.

Hence, it is

**ORDERED**

that the petition dated 18.10.2023 is hereby considered and **REJECTED** without cost.

To 26.04.2024 hearing of petition dated 23.11.2023.

Sd/-

Sd/-

Civil Judge (Jr. Divn), Haldia      Civil Judge (Jr. Divn), Haldia