

(2024) 05 MP CK 0098

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 2682 Of 2024

Ghanshyam Sharma

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 17-05-2024

Acts Referred:

Code Of Civil Procedure, 1908 — Section 11

Citation : (2024) 05 MP CK 0098

Hon'ble Judges : Rajendra Kumar, J

Bench : Single Bench

Advocate : Somnath Seth, G.K. Agarwal

Final Decision : Dismissed

Judgement

Rajendra Kumar, J

1. Petitioner assails order dated 12.12.2023 passed by the Civil Judge, Junior Division, Aron, District Guna in Case No.RCS-A/58/2021, titled as Kailash and others Vs. State of M.P. and others, in and by, which Lower Court dismissed the application under Section 11 of the C.P.C. filed by the petitioner.

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

3. Section 11 of the CPC reads as under:-

"11. Res judicata— No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court."

4. Admittedly in the previous suit/case No.RCA-9A/2018, titled as Ghanshyam Sharma Vs. State of M.P., respondents No.2, 3, 4 and 5 are not the party. Thus, previous suit cannot be said to be between the same party or their predecessors.

Even otherwise, previous suit has been filed by the petitioner which came to be dismissed.

5 . Learned counsel for the petitioner could not point out any illegality or irregularity, legal or otherwise, warranting interference, in the impugned order, by this Court.

6. In view of the above, petition is accordingly dismissed.