

CPC S. 10 - Section 10 suggests that it is referable to a suit instituted in the civil Court and it cannot apply to proceedings of other nature instituted under any other statute - Section 10 CPC is referable to a suit instituted in a civil Court, proceedings before the Labour Court cannot be equated with the proceedings before the Civil Court - They are not the Courts of concurrent jurisdiction - In the circumstances, Section 10 CPC has no application to the facts of this case.

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CPC S. 10, CPC S. 151 - Object underlying Section 10 is to prevent Courts of concurrent jurisdiction from simultaneously trying two parallel suits in respect of the -same matter in issue - The object underlying Section 10 is to avoid two parallel trials on the same issue by two Courts and to avoid recording of conflicting findings on issues which are directly and substantially in issue in previously instituted suit - The language of Section 10 suggests that it is referable to a suit instituted in the civil Court and it cannot apply to proceedings of other nature instituted under any other statute - The object of Section 10 is to prevent Courts of concurrent jurisdiction from simultaneously trying two parallel suits between the same parties in respect of the same matter in issue - The fundamental test to attract Section 10 is, whether on final decision being reached in the previous suit, such decision would operate as res-judicata in the subsequent suit - Section 10 applies only in cases where the whole of the subject matter in both the suits is identical - The key words in Section 10 are “the matter in issue is directly and substantially in issue” in the previous instituted suit. The words “directly and substantially in issue” are used in contra-distinction to the words “incidentally or collaterally in issue” - Therefore, Section 10 would apply only if there is identity of the matter in issue in both the suits, meaning thereby, that the whole of subject matter in both the proceedings is identical - Section 10 CPC is referable to a suit instituted in a civil Court, proceedings before the Labour Court cannot be equated with the proceedings before the Civil Court - They are not the Courts of concurrent jurisdiction - In the circumstances, Section 10 CPC has no application to the facts of this case.

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CPC S. 10, CPC S. 151 - Section 10 CPC has no application and consequently, it was not open to the High Court to bye-pass Section 10 CPC by invoking Section 151 CPC.



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