

[CPC S. 10](#) – Test for applicability – Whether “the matter in issue is also directly and substantially in issue in previously instituted suits” – The key words in Section 10 are “the matter in issue is directly and substantially in issue in a previously instituted suit” – The test for applicability of Section 10 of the Code is whether on a final decision being reached in the previously instituted suit, such decision would operate as res judicata in the subsequent suit – To put it differently one may ask, can the plaintiff get the same relief in the subsequent suit, if the earlier suit has been dismissed? – If the answer is in the affirmative, the subsequent suit is not fit to be stayed – However, we hasten to add then when the matter in controversy is the same, it is immaterial what further relief is claimed in the subsequent suit.

read **HERE** [2013 PLRonline 1100](#)
