

Rent Act – [CPC](#), 1908 , Order 23 Rule 1 sub- rule (4) – Would have no application in a proceeding initiated for recovering the suit premises on the ground of bona fide requirement which is a recurring cause – Order XXIII rule 1(4)(b) precludes the plaintiff from instituting any fresh suit in respect of such subject matter or such part of the claim which the plaintiff has withdrawn – In a suit for eviction of a tenant under the Rent Act on the ground of bona fide requirement even though the premises remains the same, the subject matter which is cause of action may be different – The ground for eviction in the subsequent proceedings is based upon requirement on the date of the said suit even though it relates to the same property – Mere identity of some of the issues in two suits would not bring about identity of the subject matter in two suits. *Vallabh Das v. Dr. Madanlal and Others [(1970) 1 SCC 761]* , referred

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