



Tenancy - Multiple suits for eviction on ground of non user, pertaining to different periods - Maintainable

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[Tenancy](#) - Multiple suits for eviction on ground of non user, pertaining to different periods - Parties in all the three suits are one and the same and the court in which the first two suits have been instituted is competent to grant the relief claimed in the third suit - As in the present case, many of the matters in issue are common, including the issue as to whether the plaintiffs are entitled to recovery of possession of the suit premises - The eviction in the third suit has been sought on the ground of non-user for six months prior to the institution of that suit - It has also been sought in the earlier two suits on the same ground of non-user but for a different period - Though the ground of eviction in the two suits was similar, the same were based on different causes - The plaintiffs may or may not be able to establish the ground of non-user in the earlier two suits, but if they establish the ground of non-user for a period of six months prior to the institution of the third suit that may entitle them the decree for eviction - Therefore, in our opinion, the provisions of Section 10 of the Code is not attracted in the facts and circumstances of the case - [cpc](#) S. 10.

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