

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.454 of 2015

Date of Decision:-21.01.2015

Shamsher Singh.

.....Petitioner.

Versus

Sarva Haryana Gramin Bank.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amit Singla, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Defendant is in revision aggrieved by the order dated 16.12.2014 (P-6) passed by the learned Civil Judge(Jr. Divn.), Hisar whereby his application for staying the proceedings of the civil suit filed by the respondent/plaintiff has been dismissed.

Learned Counsel for the petitioner has argued that since a criminal complaint is pending amongst the parties which involves a similar dispute, the present civil suit ought to have been stated by the learned trial Court. Thus, prayer was made for allowing the present revision petition.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view the present petition deserves to be dismissed.

It is settled position of law that the civil and criminal proceedings stand on different footing and there is no bar for both the

proceedings to continue simultaneously merely because a criminal complaint is pending amongst the same the parties cannot be a ground for staying the proceedings of the civil Court. To be fair to the counsel for the petitioner, in support of his plea he has relied upon **M.S. Sheriff & Anr. Vs. State of Madras & Ors. 1954 AIR(SC) 397** . However, the facts of the said case are clearly different and in fact in the said judgment also it has been mentioned that it is not a hard and fast rules and the facts of the case have to be seen. Even applying the principles of the said judgment in the present it is not a fit case to stay the proceedings of Civil Suit.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 21, 2015
Vinay