

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.7400 of 2013
Date of decision:08.01.2015

Darshana Kaur

....Petitioner

Versus

Pritpal Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Mr.Ashish Gupta, Advocate, for the respondent.

G.S.Sandhawalialia J.(Oral)

Challenge in the present revision petition, filed by the defendant-petitioner, under Article 227 of the Constitution of India, is to the order dated 11.09.2013, whereby the application of the defendant-petitioner, under Section 151 CPC, has been dismissed, wherein it had been prayed that due to the earlier suit being dismissed in default, the suit in question was not maintainable and was liable to be dismissed. The reasoning given by the Trial Court is that it is a matter which is to be seen and pursued at a later stage.

A perusal of the paperbook would go on to show that the earlier suit was filed against Gurmeet Kaur whereas the present suit has been filed against the present petitioner and both of them were arrayed as wives of Surinder Singh. Both the suits are for permanent injunction.

The factum of the earlier litigation and its effect can always be looked into by the Court at a subsequent stage and whether the earlier suit was pertaining to the same property and *inter se* the same parties and on account of the fact that it was for permanent injunction and whether it would be a bar, as such.

In such circumstances, this Court is of the opinion that the order passed by the Trial Court does not warrant interference in the supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, the present revision petition is hereby dismissed.

08.01.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE