

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1418 of 2013
Date of decision : April 7, 2016

Surjit Singh

..... Petitioner

Versus

Avtar Singh and others

..... Respondents

CR No. 1433 of 2013

Sahib Singh@ Kaurjit Singh

..... Petitioner

Versus

Avtar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Mukand Gupta, Advocate
for the petitioner in both the cases.

Mr. R.V.S. Chugh, Advocate
for respondent No. 3 and 4 in both the cases.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

This order of mine shall dispose of two civil revisions bearing C.R.Nos.1418 and 1433 of 2013.

The petitioners-plaintiffs in both the revision petitions are aggrieved of the impugned order dated 29.3.2012

CR No. 1418 and 1433 of 2013

whereby in an application filed by the respondents under Section 10 CPC, the suit has been ordered to be stayed in view of the pendency of RSA No. 1426 of 2006 in this Court.

Learned counsel appearing on behalf of the petitioner submits that the property belonging to Ram Piari on the basis of alleged attorney was sold by her husband namely Balwant Singh in favour of his two sons. The said sale deed was challenged. The suit was dismissed, however in appeal, the aforementioned sale deed was set aside. It is in these circumstances, the Regular Second Appeal was filed. There is no interim order viz-a-viz operation of the order. During the such period mother executed a Will bequeathing property in favour of the petitioners. It is in these circumstances, they have assailed the order the suit has been stayed on the ground that finding in the aforementioned Regular Second Appeal would have a direct bearing on matter as to whether subsequent acts of the power of attorney were justifiable or not.

He further submits that proceedings before the trial court are at initial stage and the trial court can be directed not to pass the final order, thus urges this court for setting aside the order.

Learned counsel appearing on behalf of the respondents submits that there is no illegality and perversity in the impugned order. The suit has been adjourned sine die as the pendency of the appeal would have a direct bearing, for, in case the defendants who are appellants in the Regular Second Appeal No. 1426 of 2006 succeed, the revenue proceedings would be immaterial, inconsequential would pale into insignificance.

CR No. 1418 and 1433 of 2013

I have heard learned counsel for the parties, appraised the paper book and of the view that since the suit is at the initial stage, it cannot be stayed in the manner and mode as has been done. At the best, the parties can be permitted to lead evidence in support of their respective defence but the final order shall not be passed without permission of this Court or decision of the aforementioned appeal, whichever is earlier.

Accordingly, the impugned order in both the revision petitions is set aside.

The revision petitions stand disposed of with the aforesaid directions.

(AMIT RAWAL)
JUDGE

April 7 , 2016
archana