

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

Civil Revision No.1972 of 2017

Date of decision: May 08, 2017

Inderpreet Kaur

...Petitioner

Versus

Harpreet Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Inderpal Singh Parmar, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 6.3.2017, passed by the court below, whereby application under section 151 CPC filed by the defendant/petitioner for staying the proceedings of suit for mandatory injunction, till final disposal of petition filed by petitioner under Protection of Women from Domestic Violence Act, has been rejected.

Order has been challenged before this court on the ground that application has been erroneously rejected by the court below. Learned counsel for the petitioner further submits that the order is unsustainable in law.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, marriage of petitioner with respondent No.1 was solemnized on 7.2.1992. Out of their wedlock, two sons were born who are residing with the petitioner. Differences arose between the parties and they went into certain litigation. Petitioner also filed a petition under

Protection of Women from Domestic Violence Act at Ludhiana. A civil suit for mandatory injunction was also filed by respondent No.1 against the petitioner and other respondents. During pendency of the suit, petitioner/defendants filed instant application for staying proceedings of the suit till disposal of petition under Domestic Violence Act. Keeping in view facts and circumstances of the case, trial court dismissed the application by observing that application has been filed just to delay proceedings of the suit. I find no infirmity with the order passed by the trial court. I am of the view that pendency of case under Domestic Violence Act would have no effect on the proceedings of the civil suit. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 08, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No