

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR No.322 of 2016 (O&M)
Date of decision: 13.12.2017

Nand Lal

..... Petitioner

Versus

Savitri and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. B.S. Tewatia, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff has filed this revision petition against the order dated 20.11.2015 staying the proceedings of the suit on the ground that mutation proceedings are pending before the revenue authorities.

The mutation proceedings are only for the purpose of updating the revenue record and the revenue authorities do not have power to decide question of title. The proceedings have been stayed under Section 10 of the Code of Civil Procedure which provides that there should be an earlier suit. Mutation proceedings are not a previous suit. The revenue authorities in exercise of their executive function sanction mutation only to update the revenue record for fiscal purpose. Section 10 of the Code of Civil Procedure provides for stay of the subsequent suit if in a previously instituted suit, the matter in issue is directly and substantially in issue. In

this case, in fact there is no previous suit.

In view thereof, the impugned order dated 20.11.2015 is set aside.

Revision petition is allowed.

Learned trial Court is directed to proceed with the suit.

13.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No