

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 8739 of 2017 (O&M)

Date of Decision: 14.12.2017

Jagdish Narain (deceased) through LR

.....Petitioner

Versus

Chander Bhan (deceased) through LR and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.D.Gupta, Advocate
for the petitioner.

ANITA CHAUDHRY, J

This revision is directed against the order dated 1.12.2017 (Annexure P-1) passed by Civil Judge (Senior Division), Sonapat whereby application filed by the plaintiff for staying the proceedings has been dismissed.

Some brief facts would be necessary. The plaintiff had filed a suit against Chander Bhan and others. Chander Bhan had filed his written statement. During the pendency of the suit, he died. An application has been moved by Sunita Gupta that Chander Bhan had adopted Devender Kumar in 1960 and had executed a Will in his favour on 14.1.2011 and, therefore, she should be impleaded as the legal heir of Chander Bhan. The plaintiff had also filed an application under Order 22 Rule 3 CPC that there was no direct legal heir left behind and it was only the plaintiff/reversioner who was left behind and therefore, an administrator or an officer of the Court should be appointed.

The trial Court framed issues and the parties led evidence and

hereafter the application filed by Sunita was allowed.

The plaintiff filed Civil Revision No. 3647 of 2017 to challenge the order of the lower Court. Notice of motion was issued on 19.5.2017 for 6.9.2017. No stay was granted. The plaintiff approached the Court below and moved an application seeking stay of the proceedings till the revision was decided by the High Court which has been dismissed. The order of dismissal has been challenged here.

The Co-ordinate Bench after hearing the petitioner did not consider it necessary to grant interim stay and had only issued notice of motion. The petitioner instead of pressing for stay before the High Court in the revision, approached the trial Court seeking stay of the proceedings which he could not have done. The plaintiff could not have approached the lower Court seeking stay of the proceedings.

There is no merit in the revision and is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

December 14, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes