

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

106

CM-14134-CII of 2018 in
CR No.1303 of 2017 (O&M)
Date of Decision: 16.08.2018

Navratan Chaudhary

...Petitioner

Versus

Asha Mankotia

....Respondent

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. P.S. Khurana, Advocate
for the applicant-respondent.

Mr. Rajiv Kataria, Advocate
for the non-applicant-petitioner.

B.S.WALIA, J. (Oral)**CM-14134-CII of 2018**

For the reasons as are mentioned in the application, the same is allowed. With the consent of learned counsel for the parties, the date of hearing is preponed to today and case is taken up for hearing.

CR-1303 of 2017 (O&M)

1. Learned counsel for the respondent contends that on the last date i.e. 07.08.2018, it was brought to the notice of this Court that Civil Suit, out of which the revision petition has arisen, was dismissed in default. Learned counsel clarifies that in fact one suit was filed by the respondent while the other suit was filed by the petitioner and the petitioner had filed an application under Section 10 CPC seeking stay of the suit filed by the respondent. Learned counsel contends that the revision petition is against the order rejecting the application under Section 10 CPC. Learned counsel states that

the civil suit filed by the petitioner having been dismissed in default and not having been got restored, in the circumstances, the revision petition has become infructuous, therefore, be disposed of as such.

2. Learned counsel for the petitioner has not been able to controvert the statement of learned counsel for the respondent.

3. The revision petition is against the order of rejection of the application under Section 10 CPC. The Civil Suit filed by the petitioner having been dismissed in default and not having been got restored, the revision petition no longer survives. Accordingly the revision petition is dismissed as having become infructuous. However, liberty is granted to the petitioner to move an application for restoration of the revision petition if cause of action survives.

(B.S.WALIA)
JUDGE

16.08.2018
sandeep

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No