

247

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

**Civil Revision No.2649 of 2017 (O&M)  
Date of Decision: 30.07.2018**

**KAVITA AND ANR**

**.....Petitioners**

**Vs**

**BHATERI DEVI AND OTHERS**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Deepak Girhotra Advocate  
for the petitioners.

Mr. Ashwani Bakshi, Advocate  
for respondent No.1.

Ms. Gehna Vaishnavi, Advocate  
for respondents No.2 and 3.

\*\*\*\*

**RAJ MOHAN SINGH, J. (Oral)**

This revision petition has arisen from the orders passed by the Courts below in the application under Order 39 Rules 1 and 2 CPC seeking to restrain respondent No.1 from claiming 1/3<sup>rd</sup> amount.

During course of arguments, it has been revealed that payment to the tune of 1/3<sup>rd</sup> amount from retiral benefits has already been received by respondent No.1.

Since no interim order was passed, the payment of 1/3<sup>rd</sup>

has already been received by respondent No.1. The suit is still pending and the claim of respective parties would be adequately decided by the trial Court with reference to the evidence to be brought on record by them in due course.

At this stage, case for restoration of the amount received by respondent No.1 cannot be entertained, however the same would be subject to final adjudication between the parties.

This revision petition is accordingly disposed of.

July 30, 2018

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No