

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5089 of 2016 (O/M)
Date of decision : 24.5.2018

Nasib Kaur alias Dalip Kaur

..... Petitioner

Versus

Major Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Munish Jolly and Mr. M.R. Bhardwaj, Advocates,
for petitioner.

Mr. Ranjan Bansal, Advocate,
for respondent No. 1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Impugned in present revision is order 16.4.2016(Annexure-P-1), passed by learned Civil Judge (Junior Division), Barnala, vide which an application filed by defendant No. 1 under Section 10 CPC, 1908, was allowed and further proceedings in the suit were stayed till further orders.

The stay of proceedings under Section 10 CPC, 1908, were sought on the ground that similar controversy between parties in dispute in RSA No. 2909 of 2013 is pending against judgment and decree dated 30.5.2013, passed by lower appellate Court. The result of RSA will decide the fate of present suit.

CR No. 5089 of 2016 (O/M)

I have gone through plaint of present suit No. 254 of 16.9.2013. It comes out that in previous suit, Jarnail Singh and Babu Singh sons of Ajmer Singh had claimed that disputed property is ancestral qua them. They had also challenged the collusive decree. Suit was filed against Ajmer Singh (dead) and was represented by his daughter Nasib Kaur alias Dalip Kaur. Said suit is now pending appeal before this Court. Now, Nasib Kaur alias Dalip Kaur has filed suit claiming property on the basis of natural succession.

I am of the view that decision in regular second appeal against previous suit will decide the fate of present suit. Therefore, there is no infirmity or illegality in impugned order. Consequently, revision is dismissed.

(KULDIP SINGH)
JUDGE

24.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No