Sanjiv Kumar Sharma
2018.05.11 12:09
I attest to the accuracy and
authenticity of this document

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7405 of 2016 (O/M)
Date of decision : 2.5.2018

Jagdish Varinder Singh Sandhu and another ..... Petitioners

Versus

William Singh Sandhu alias Daljinder Singh Sandhu and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Prateek Gupta, Advocate,
for petitioners.

Mr. R.B.S. Chahal, Advocate,
for respondent No. 1.

None for respondent No. 2.

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 ?

-.- -.-

KULDIP SINGH J. (ORAL)

Impugned in present revision is order dated 3.9.2016 (Annexure-P-1), passed by learned Additional Civil Judge(Senior Division), Patiala, in which proceedings under Order XXXIX Rule 2-A read with Section 151 CPC, 1908, an application filed by present petitioners (respondents No. 1 and 2 before trial Court) for staying the proceedings, was dismissed.

Heard.

Petitioner seek stay of proceedings stating that they have filed an application under Order I Rule 10 CPC, 1908, and dispute regarding raising of construction is subject matter in the suit.

Sanjiv Kumar Sharma
2018.05.11 12:09
I attest to the accuracy and
authenticity of this document

I am of the view that in proceedings under Order XXXIX Rule 2-A CPC, 1908, Court is required to examine whether injunction order passed by trial Court has been violated or not ? These are separate proceedings. Merely on the ground that in main case, an application under Order I Rule 10 CPC, 1908, is filed, is no ground to stay the proceedings. If petitioners, so desire, they can lead evidence in proceeding to show that order was not violated. There is no illegality or infirmity in impugned order. Consequently, revision is dismissed.

(KULDIP SINGH)
JUDGE

2.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No