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IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M No.38993 OF 2017(O&M)

Date of Decision: 12.11.2018

Tarlochan Singh .....Petitioner

versus

State of Punjab and another .....Respondents

**CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present Mr. Sahil Khunger, Advocate for the petitioner.  
Mr. Sandeep Kumar, DAG, Punjab.  
Mr. Rahul Arora, Advocate for respondent no.2.  
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**MAHABIR SINGH SINDHU, J**

Present petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') has been filed to direct the Additional Sessions Judge, Ludhiana not to proceed with the CRA No.35156 of 2013 titled Tarlochan Singh versus The State of Punjab, filed by the petitioner against respondent no.2 till the decision of the Civil Suit between the parties pending in the Court of learned Civil Judge, Ludhiana.

This Court on 06.07.2018, passed the following order:-

*“Learned counsel for the petitioner submits that when criminal case was decided vide judgment dated 07.03.2012 passed in criminal case No.105 of 1996 by learned Additional Chief Judicial Magistrate, Ludhiana, a civil suit between the parties was also pending and vide order dated 01.09.1997 passed in Criminal Miscellaneous No.M-19389 of 1996, both criminal case as well as civil suit were ordered to be decided together on the same day.*

*Learned counsel for respondent No.2 submits that in the civil suit, plaintiff had already concluded the evidence. It was*

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*thereafter fixed for rebuttal evidence in the year 2014. Thereafter number of applications were moved by the defendant and the case was again fixed for plaintiff's evidence and it was closed on 26.03.2018. Now the civil suit is pending for defendant's evidence who despite granting of 19 adjournments has not concluded his evidence.*

*Before proceeding further in this matter, learned Civil Judge (Junior Division) is directed to dispose of civil suit titled as Tej Pal Singh v. Improvement Trust bearing No.20833 of 2013 within a period of three months of the receipt of copy of this order and report.*

*Final disposal of the appeal pending before the Appellate Court will remain stayed till the next date of hearing.*

*List on 12.11.2018.”*

Today learned counsel for respondent no.2 has apprised the Court that Civil Suit titled as Tej Pal Singh v. Improvement Trust bearing No.20833 of 2013 has been decided by learned trial Court on 15.09.2018 and thus, the present petition is rendered infructuous.

Learned counsel for the petitioner does not dispute the above factual position.

Since this was the precise claim in the present petition, therefore, the same is disposed off as having been rendered infructuous.

Ordered accordingly.

12.11.2018

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Whether speaking/reasoned

Whether reportable

(MAHABIR SINGH SINDHU)  
JUDGE

Yes/No

Yes/No