

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

**RA-CR-232-CII-2018 in
CR No.8874 of 2017 (O&M)
Date of Decision: 03.12.2018.**

Brahm Jit Singh and others

... Petitioners

Versus

Sumitra Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ashwani Gaur, Advocate
for the review applicants-petitioners.

ANIL KSHETARPAL J. (ORAL)

This application for review has been filed against order passed by this Court in Civil Revision No.8874 of 2017, while observing as under:-

“This revision petition has been filed against an order passed by the Court under Section 10 of the Code of Civil Procedure staying the proceedings in the subsequent suit. Once the appeal is being decided, the civil court would proceed with the suit as the reason for staying the proceedings has ceased to exist.”

Learned counsel for the review applicants submits that since this Court has observed that the civil suit would proceed with the suit, therefore, the Court has started the proceedings. He points out that in view of the judgment passed in the appeals which were decided by a common judgment, the suit filed by the opposite side would have to be disposed of.

This Court was examining Civil Revision arising from the order under Section 10 of the Code of Civil Procedure and in that context it has been observed that the Civil Court would proceed with the suit as the reason for staying the proceedings has ceased to exist. However, these observations do not

debar the review applicants to move application, maintainable in law, bringing to the notice of the Court about the effect of judgment passed.

In view of the above, review application is dismissed.

03.12.2018
rekha sharma

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*