

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

CR No. 7558 of 2018 (O & M)

Date of Decision : 18.1.2019

Suman Sharma and another

.....Petitioners

versus

Mohan Lal (since deceased) through LRs

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Rakesh Bakshi, Advocate,
for the petitioners.

Mr. Sanjiv Kumar Yadav, Advocate
for respondents no.1 to 3 and 6 to 8

Amol Rattan Singh, J. (Oral)

Pursuant to notice issued on 2.11.2018, learned counsel appears for respondents no.1 to 3 and 6 to 8 and has filed a memo of appearance, which is taken on record.

By this petition, the petitioner challenges the order of the learned trial Court (Civil Judge (Junior Division), Ambala, dated 23.10.2018, by which the application of the petitioner (plaintiff in the suit out of which this petition arises), seeking a stay on proceedings before that Court, has been dismissed.

The stay on proceedings so sought by the petitioner, is on the ground that the Supreme Court, in SLP no. 22957 of 2018, has stayed the order of this Court, by which the revision filed by the petitioner, essentially seeking therein the examination of a hand writing expert, was allowed.

After the order passed by this Court in CR no. 1522 of 2017, the hand writing expert was examined as PW7, but before her cross examination could be conducted, the order of the Supreme Court, in the aforesaid SLP, came to be passed.

Hence, the contention of the petitioner is that when at least a part of the matter is still pending before the Supreme Court, the trial should not progress further.

It is seen that the reasoning given by the trial Court in the impugned order, is to the effect that the trial itself not having been stayed, if eventually the SLP is dismissed by the Supreme Court, the cross examination of the hand writing expert would still be conducted, and if the SLP is dismissed, then the examination in chief would naturally be ignored.

The reasoning of the trial Court is found to be sound by this Court, and consequently, as regards staying the proceedings in the trial, I do not agree with learned counsel for the petitioner.

He however submits that at least passing of the final order be stayed.

In response to the aforesaid contention, learned counsel for the respondents submits that since the matter as regards examination of the hand writing expert is pending before the Supreme Court, even qua any stay on final proceedings, an appropriate interlocutory application should have been filed before the Apex Court.

Having considered that argument too, I agree with learned counsel for the petitioner, and therefore, in my opinion, logically, though the trial may proceed, the final order should not be passed by the trial Court, till

such time that the order of the Supreme Court is not pronounced in the
aforementioned SLP. Ordered accordingly.

With the aforesaid direction this petition is disposed of.

(AMOL RATTAN SINGH)
JUDGE

18.1.2019
Ashwani/dinesh

Speaking/Reasoned	Yes/No
Reportable	Yes/No