

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.814 of 2019 (O&M)
Date of Order:04.02.2019

Kulwinder Kaur

..Petitioner

Versus

Gurpal Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kumar Saini, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Learned court has dismissed the application by recording as
under:-

“3. After hearing both the parties and perusing the record, this court is of confirmed view that present applicant in hand deserves dismissal since the applicant firstly has not mentioned under which provisions of law present application has been moved by her and her contention that present proceedings are execution proceedings is not correct as it is an application for restitution of possession. Further, perusal of record also reveals that an application for impleading present applicant as party to the restitution application in hand was dismissed vide order dated 13.08.2018 and as such present applicant for staying the present proceedings again has been moved by the applicant without having

any locus standi to file the same. Furthermore, no order to stay of proceedings in present application by the civil court, before which civil suit titled as Sukhdeep Kaur versus Gurpal Singh and ors as alleged by applicant is pending, has been annexed with the application in hand. Merely pendency of the civil suit does not amount to stay the present proceedings in hand and the title if any gets decided in the favour of applicant, then also she will have separate remedies. Therefore, this court finds no reason to stay the present main application for restitution of possession merely on the ground of pendency of civil suit and as such present application in hand stands dismissed with no order as to cost.”

Petitioner has challenged this order. Learned counsel do not dispute that the application for restitution of possession on reversal of a decree passed, is pending. It is further not in dispute that inter-se litigation between heirs of Ram Kishan is also pending. The application filed for staying the proceedings in the restitution application was misconceived.

In view thereof, this court does not find any good ground to interfere. The revision petition is dismissed.

February 04, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No