

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

CR-6146-2019 (O&M)

Date of decision:- 27.9.2019.

Kewal Krishan

...Petitioner.

Versus

The Amritsar Diocesean Trust Association and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Kartikeya Swaroop Mehta, Advocate for petitioners.

RITU BAHRI J. (Oral)

Present revision petition is against the order dated 2.9.2019 whereby the application filed by the plaintiff/respondent- Amritsar Diocesan Trust Association under Section 10 of the Code of Civil Procedure for stay of the suit was dismissed.

A perusal of the impugned order dated 2.9.2019 shows that petitioner-defendant has not filed any written statement in the suit and in the application petitioner-defendant has placed on record the photocopy of the plaint of the civil suit titled as **ADTA vs. Ragina and others**. The said suit has been filed seeking permanent injunction against the defendants regarding the property measuring 43½ of Bakarwana Road and 43½ is with regard to the property situated in Sultawind. The total length is 168 feet. The present suit is filed by ADTA is against Kewal Krishan, Deepak Kumar and Rocus for possession of the suit land measuring 72 feet towards Sultanwind Road towards Bakkarwana Road.

Learned trial Court observed that parties in both the suits are not same and without filing the written statement, trial Court was not aware about the stand taken by defendants.

At this stage, this Court does not dispute the findings recorded by the learned trial Court. Hence, present revision petition is dismissed. However, liberty is granted to the petitioner to take appropriate steps in accordance with law after filing the written statement before the learned trial Court.

Dismissed with liberty aforesaid.

27.09.2019
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No