

114 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CR-6691-2019

Date of Decision: 23.10.2019

SUKHJIT SINGH

..... Petitioner

Versus

JASVEER KAUR AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Arjun Sharma, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

The petitioner happens to be respondent No.2 in Guardianship & Wards Petition No.15 of 2016, pending in the Court of Ld. Addl. Civil Judge (Sr. Divn.), Kapurthala. The aforesaid petition was filed by the respondent, who happens to be petitioner's own wife, in which she had sought for guardianship/custody rights of their minor son Brahamdeep Singh.

The petitioner filed his separate petition under Section 25 of the Guardianship and Wards Act, seeking custody of the aforesaid minor child, which is pending in the Court of Ld. Civil Judge (Sr. Divn.), Gurdaspur.

He, therefore, filed an application for stay of proceedings of the respondent's petition in the Court at Kapurthala, on account of pendency of his separate petition at Gurdaspur. His aforesaid application (Annexure P-10) was dismissed by the Ld. Court below vide its impugned order passed on 17.08.2019 (Annexure P-12).

It transpires that while passing the impugned order, the Ld.

Court below has noted that guardianship petition of the respondent's wife

was earlier in point of time, having been filed on 18.04.2016. On the other hand, the petition in the Court at Gurdaspur was filed subsequently on 02.07.2016. In such circumstances, no impropriety or illegality has been committed by the Ld. Court below since it is a settled position of law that only the suits/proceedings involving the same subject matter between the same parties, which is the second one of two proceedings is to be stayed. By that logic, the petitioner's own petition pending in the Court at Gurdaspur would have been liable to be stayed.

No merits.

Dismissed.

23.10.2019

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No