

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

CRM-M No.4228 of 2020 (O&M)

Decided on: 10.02.2020

Sukhwinder Singh

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab
assisted by Jashandeep Singh Gill, A.C.P. Ludhiana
and SHO Jagdeep Singh, P.S. Sadar, Ludhiana.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for issuance of a direction to respondents No.1 to 5 not to harass the petitioner at the instance of respondents No.6 to 9, under the pressure of respondent No.10, who is presently the Advisor to the Chief Minister of Punjab as they are threatening and pressurizing the petitioner to withdraw a civil suit titled as 'Sukhwinder Singh vs Kartar Singh and others'.

Counsel for the petitioner has argued that the petitioner has filed a civil suit No.11015 of 2019 titled as Sukhwinder Singh vs Kartar Singh and others in which sons and grandsons of Kartar Singh are the defendants along with Greater Ludhiana Area Development Authority (GLADA), Ludhiana and Punjab Urban Planning & Development Authority (PUDA), Mohali, impleaded as defendants No.19 and 20. It is further argued that in the said suit, the petitioner is claiming that he

has 1/4th share of the estate of deceased Banta Singh situated in village Daad, Tehsil and District Ludhiana and despite the fact that the petitioner is owner in possession to the extent of 1/4th share in the land, the private defendants i.e. Kartar Singh, sons and grandsons, in the said suit are not acknowledging the claiming of the petitioner.

Counsel for the petitioner has further submitted that as per the plaint (Annexure P1) not only he is claiming 1/4th share but also challenging the mutation entered on the basis of the natural succession regarding the estate of Banta Singh to be declared null and void as the same is against the last Will of Banta Singh dated 05.09.1992. It is also submitted that as per the mutation, some of the land fell to the share of Gurcharan Kaur @ Charan Kaur, the petitioner has also challenged some of the sale deeds executed by her in favour of the other defendants.

Counsel for the petitioner has also argued that even the judgment and decree dated 18.05.2001 passed on the basis of the compromise in the civil suit No.666 dated 15.12.1992 titled as 'Gurcharan Kaur vs Kartar Singh' is also sought to be declared as null and void as a consequential prayer in the said suit. It is further submitted that after filing of the suit, Kartar Singh and others under the influence of respondent No.10 – Bharat Inder Singh Chahal, Advisor to the Chief Minister of Punjab, are putting pressure on the petitioner to withdraw the suit. It is also argued that the daughter of Kartar Singh is married to son of respondent No.10 – Bharat Inder Singh Chahal and therefore, he is putting pressure on the petitioner. Counsel for the petitioner has, thus prayed that he may be provided security to

prosecute his case.

On 30.01.2020, counsel for the State was directed to seek instructions in this regard.

Counsel for the State, on instructions from Jashandeep Singh Gill, A.C.P. Ludhiana and the SHO Jagdeep Singh, P.S. Sadar, Ludhiana, has refuted the claim of the petitioner. It is further submitted that in the civil suit filed by the petitioner neither respondent No.10 – Bharat Inder Singh Chahal nor his son are party as they have no interest in the litigation inter se the petitioner – Sukhwinder Singh and Kartar Singh and his family. It is also argued that before filing of this petition, the petitioner has neither filed any complaint before the police authorities nor with any other authority that he has any threat perception at the instance of the private respondents and, therefore, this petition is totally misconceived.

Counsel for the State has further argued that the entire petition is fake as no date, time or month has been given, when such threat was given by any of the private respondents including respondent No.10. It is lastly, argued by counsel for the State that as per the order dated 27.12.2019, relied upon by the petitioner itself as Annexure P-3, the Civil Judge (Jr. Division), Ludhiana has observed as under:-

“Along with suit an application has been filed by plaintiff under order 39 rule 1 & 2 of CPC for grant of stay. Arguments of counsel for plaintiff have been heard and file has been carefully perused. No prima facie case in favour of plaintiff/applicant is found out at this stage. It is deemed proper to give notice to the defendants before passing any order upon stay application.

Let notice of suit and stay application be issued to

defendants through ordinary process as well as registered post for 05.01.2020, on filing of RC with AD, copies of plaint and one time process fee. The file be put up on the date fixed before Ld. Civil Judge, Senior Division Ludhiana, for proper entrustment.

Pronounced

(Satish Kumar Sharma)

Dt.27.12.2019

Civil Judge, Junior Division

(Duty)”

Counsel for the State has, thus, argued that since the petitioner failed to get an injunction order from the Civil Court, he has adopted a novel method to change the platform by filing this petition and leveling false allegation against respondent No.10 that he is putting pressure on the petitioner. It is also submitted that since the matter is sub judice before the Civil Court, the dispute being purely of civil nature regarding the succession to the estate of a common predecessor of the petitioner and the respondent – Kartar Singh; as well as relating to a Will of 1992; challenge to various sale deeds executed by Gurcharan Kaur wife of common ancestor namely Banta Singh and there is a challenge to a judgment and decree dated 18.01.2001 inter se parties, it is apparent that respondent No.10 or his son have nothing to do with the civil suit between the parties and therefore the present petition be dismissed.

After hearing the counsel for the parties, considering the fact that neither the petitioner has filed any representation before filing of this petition nor respondent No.10 is a party before the Civil Court, apparently this petition has been filed just to put pressure on the defendants as at initial stage, the petitioner failed to procure a stay

order from the Civil Court, as matter is purely of civil nature between the petitioner and respondent – Kartar Singh and his family regarding the inheritance of the estate of common ancestor, Banta Singh, therefore, finding no threat perception to the petitioner, this petition is dismissed.

10.02.2020

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(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No