

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

121

CR-1914-2022

Date of decision: 21.07.2022

Harmeet Singh

.....Petitioner

Versus

Surinder Singh (now deceased) through his LRs

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Kumar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 18.10.2021 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Malerkotla whereby application for staying the proceedings of the present case till the decision of civil suit titled as 'Harmeet Singh Vs. Surinder Singh' which is pending in the Court of Civil Judge (Jr. Divn.), Malerkotla, was dismissed.

Learned counsel for the petitioner inter alia contends that the impugned order is not in consonance with the settled law and thus suffers from patent illegality as the trial Court ignored the fact that after the passing of preliminary decree, the petitioner had filed a suit for specific performance and permanent injunction against the respondent. The respondent had already entered appearance before the trial Court and thereafter the case was fixed for consideration of application for grant of interim injunction. Learned counsel, therefore, submits that since the matter in issue in both the suits is identical and inter se between the same parties the trial Court should not be allowed to

proceed further with the application for the passing of a final decree.

I have heard learned counsel and perused the relevant material on record.

It would be worthwhile to point out that the suit for specific performance and permanent injunction was instituted by the petitioner subsequent to the passing of the preliminary decree in the instant suit. Hence this Court fails to understand as to how the principle of subjudice would apply in the instant case. The proceedings of a subsequent suit are to be stayed and not of the suit which was instituted prior in time. Learned counsel has failed to satisfy this Court as to how the issues involved in the instant case are directly and substantially identical to the ones in the suit for specific performance.

Dismissed.

21.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No