

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

Sr. No.115

CR-657-2022 (O&M)

Gurmit Kaur and another

..... Petitioners

VERSUS

Harninder @ Harjinder Singh and others

..... Respondents

CR-658-2022 (O&M)

Date of decision:- 25.02.2022

Gurmit Kaur and another

..... Petitioners

VERSUS

Harninder @ Harjinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ravi Chadda, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are the defendants in suit for injunction. Alongwith the suit, an application under Order 39 Rules 1 & 2 CPC was filed in which the trial Court granted an order of status quo. Appeal of the defendants has been dismissed.

Learned counsel for the petitioners has submitted that the petitioners had filed a suit for declaration on the basis of a Will earlier in point of time. In the said suit, an order of status quo has been granted. The present suit was filed without revealing the earlier suit, even though, it is between the same parties and thus, the present suit is barred by law. Order of status quo granted by the Courts below is despite the similar order having been granted to the petitioners in their declaratory suit and thus, the orders cannot be sustained in law.

Admittedly, no application under Order 7 Rule 11 CPC has been filed. Moreover, I am doubtful regarding the submission that the present suit which is for grant for a permanent injunction is not maintainable because a declaratory suit has been filed earlier by the defendants of the present suit. However, I refrain to opine upon this issue lest it affects the rights of the parties during the trial. Since, an order of status quo has already been granted in favour of the petitioners in the suit filed by them, I do not see how a similar order passed in this case would adversely affect their rights. This question was squarely put to the learned counsel for the petitioners, but he has not been able to give any satisfactory answer.

The revision petitions have no merit and are dismissed.

A photocopy of this order be placed on the file of the connected case.

(SUDHIR MITTAL)
JUDGE

25.02.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No