

2023:PHHC:106796

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

CR-1967-2022 (O&M)
Date of decision: 17.08.2023

Pritam Singh (deceased) through his LRs
..Petitioner

Versus

Inderpal Singh
.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Anchal Jain, Advocate for the petitioner

Mr. Atul Jain, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. While deciding an application under Order 39 Rule 1 & 2 of the Code of Civil Procedure, 1908, (hereinafter referred to as 'CPC') for grant of temporary injunction, both the courts below have relied upon a registered exchange deed executed by the defendant (petitioner herein) in favour of the respondent (plaintiff). The court has ordered that the parties are directed to maintain status quo regarding the construction and alienation.

2. Learned counsel representing the petitioner contends that the petitioner has instituted a suit previously which is still pending and therefore, the second suit filed by the plaintiff (respondent) is barred under Section 10 of the CPC.

3. This Court has considered the submissions made by the learned counsel representing the parties. Section 10 of the CPC provides for stay of the proceedings in the subsequently instituted suit, if the parameters laid down in Section 10 are fulfilled. The maintainability of

the subsequently instituted suit is not the matter at hand under the purview of Section 10 of CPC. Hence, no ground to interfere is made out.

4. Dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

17.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE