

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

128

CR-188-2024 (O&M)

Date of Decision: 15.01.2024.

Shubh Lata

...Petitioner.

Versus

Satpal Singh and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Gaurav Gaur, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner/defendant No.1 has challenged the impugned order dated 06.10.2023 passed by learned trial Court, vide which application under Section 10 CPC filed by the petitioner, was dismissed.

2. Plaintiff/respondent No.1-Satpal Singh filed a suit for permanent injunction for restraining defendants No.1 and 2 from interfering in actual physical possession of the plaintiff over the suit property as detailed in the head note of the plaint and for restraining defendant No.1 from demolishing the construction of the plaintiff existing in the plot in dispute and from changing the existing possession of the same by way of raising construction by themselves through their agent, representative or in any other manner and from restraining defendant No.2 from changing any entries in Municipal Records regarding ownership and possession of the plot in dispute in favour of defendant No.1 and further restraining defendant

No.1 from getting changed entries in the Municipal Records regarding ownership and possession of the plot in dispute in her name from defendant No.2.

3. During pendency of the said suit an application was filed by petitioner/defendant No.1, under Section 10 CPC for staying the proceedings in the present suit which was dismissed vide the impugned order dated 06.10.2023. Hence the petitioner knocked the doors of this Court by way of filing the present revision petition.

4. Learned counsel for the petitioner/ defendant No.1 has contended that that respondent No.1 earlier filed a civil suit for permanent injunction regarding plot No.81 measuring 100 sq. yards against the son and husband of the petitioner vide CS No. 1684 dated 24.08.2020 titled as '*Satpal Singh Vs. Mandeep Walia*' in which Municipal Corporation, Yamuna Nagar, Jagadhari was also a party as defendant No.3. While appearing in the said case, the son and husband of the petitioner appeared through counsel and filed the written statement by specifically taking the stand that they were not the owners of the said property. He has contended that during pendency of the earlier civil suit respondent No.1 filed one more fresh suit against the petitioner regarding the same property, vide Civil Suit No. 2017 dated 30.09.2020 titled as '*Satpal Singh Vs. Subh Lata*'. After notice in the said suit, petitioner appeared through counsel and filed the application under Section 10 of the CPC on the ground that respondent No.1 has already filed a civil suit against the son and husband of the petitioner regarding the same property. He has contended that the present suit has been filed by respondent No.1 just to harass her after knowing that her son and

CR-188-2024(O&M)

husband are not the owners of the suit property. He has contended that trial Court has misread the provision of Section 10 of the CPC and has wrongly held that conditions under Section 10 CPC were not fulfilled.

5. I have heard learned counsel for the petitioner and have gone through the relevant record.

6. This fact is not disputed that earlier a suit was filed by the plaintiff titled as Satpal Singh Vs. Mandeep Walia in respect of the same property which is still pending. Again this fact is not disputed that in the previous suit and the present suit, the parties are not the same as Shubh Lata was not a party in the previous suit and in the present suit, Mandeep Walia and Prem Walia are not a party. So the Trial Court has rightly held that as in the earlier suit and the present suit the parties are not the same, so ingredients of Section 10 of the CPC are not fulfilled and has rightly declined the application filed under Section 10 of the CPC by the petitioner.

7. Thus, there being no illegality or infirmity in the impugned order no interference therewith is called for while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

8. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

15.01.2024.
komal

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No