

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

129

CR-256-2024 (O&M)
Date of decision:16.01.2024

Balwinder Singh & others

... Petitioners

Vs.

Ram Murti & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. G.S. Verma, Advocate for the petitioners.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by petitioners/defendants against the order dated 13.05.2023 (Annexure P-5) passed by the Civil Judge (Jr. Division), Ludhiana vide which application under Section 151 CPC for staying the proceedings in the present case was dismissed.

2. Plaintiffs/respondents filed a suit for recovery of compensation/damages on account of malicious prosecution against defendants No.2 to 6, 9 to 11 for getting registered false FIR bearing No.113, dated 18.08.2013 under Sections 302/323/325/149 IPC, registered at Police Station Sahnewal, Ludhiana on the basis of oral and documentary evidence.

3. The present suit was filed by the plaintiffs to claim damages for malicious prosecution. During proceedings of the case, an application for staying the proceedings in the present case was filed by the petitioners, in view of order dated 04.03.2016 passed by the Additional Sessions Judge, Ludhiana, whereby the accused persons were acquitted in SC No.1 dated 09.01.2014 pertaining to FIR No.113 dated 18.08.2013, Police Station

Sahnewal, District Ludhiana. An appeal against order dated 04.03.2016 passed by the Additional Sessions Judge, Ludhiana was preferred before this Court which has been admitted. So it has been alleged that in view of the admission of the aforesaid appeal, proceedings of the present case are liable to be stayed sine die till further orders. This application was dismissed vide order dated 13.05.2022 of Civil Judge, Jr. Division, Ludhiana. Hence the present revision petition has been filed by the petitioners.

4. Learned counsel for the petitioners has contended that once the appeal against acquittal of accused/plaintiffs is already pending before the High Court, then the accused cannot claim that they have been finally acquitted in FIR No.113 dated 18.08.2013 and that is not the final order.

5. I have heard learned counsel for the petitioner at length and perused the pleadings on record.

6. It is well settled that mere filing of an appeal does not amount to staying of the proceedings. So, in the instant case also, just filing of an appeal and its admission before this Court will not result in staying the proceedings of civil suit before the Civil Court.

7. In the light of the above, the impugned order is a well reasoned order and does not suffer from any illegality or perversity and as such no interference is called for in the impugned order by way of exercising the revision jurisdiction.

8. Dismissed.

(SUKHVINDER KAUR)
JUDGE

16.01.2024

harjeet

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No