

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

CR-1918-2024 (O&M)

Date of Decision : 01.04.2024

HARPREET KAUR

.... Petitioner

VERSUS

SURINDER KAUR (SINCE DECEASED) THR LRS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Harpreet Kaur (petitioner) in person.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 27.02.2024 (Annexure P-9) passed by the learned Civil Judge (Junior Division), Rupnagar in Civil Suit being CS-884-2020 dated 01.12.2020. It is further prayed that the application dated 04.12.2023 filed under Order VIII Rule 1 CPC by the plaintiff-petitioner for striking off the defence of defendant-respondent No.1, namely, Bhupinder Singh, which is still pending, may be ordered to be decided.

2. Heard.

3. The brief facts relevant to the present case are that the plaintiff-petitioner filed a suit for mandatory injunction for restraining defendant-respondent No.1, namely, Bhupinder Singh from interfering into the peaceful possession of Simran Dharamshala which is used for religious purposes and is situated in Khewat No.34/34 Khatauni No.34 bearing Khasra No.6//3/1/2(1-16) at Simran Nagar, Village Railon Khurd, Tehsil and District Rupnagar. The plaintiff-petitioner herein, during the pendency of the

suit, filed an application under Order VIII Rule 1 CPC for striking off the defence of defendant-respondent No.1, namely, Bhupinder Singh. On 27.02.2024 the learned Civil Judge (Junior Division), Rupnagar passed an order stating therein that due to personal reasons the Officer concerned did not want to try the present case and referred the matter to the learned District and Sessions Judge, Rupnagar for passing appropriate orders with regard to transferring the same to the Court of competent jurisdiction.

4. Since the matter is pending before the learned District and Sessions Judge, Rupnagar for directions on the transfer of the present case and is fixed for 05.04.2024, there is no occasion for this Court to pass any direction at this stage. Further, in the order dated 27.02.2024 passed by the learned Civil Judge (Junior Division), Rupnagar in Civil Suit being CS-963-2020 it is noticed that the application dated 04.12.2023 under Order VIII Rule 1 CPC was withdrawn by the plaintiff-petitioner and a fresh application under Order VIII Rule 10 CPC was filed.

5. In view of the above, the present petition is dismissed. Pending applications, if any, also stand disposed off.

01.04.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*