



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4699 of 2019 (O&M)

Date of Order:04.02.2025

Isht Dev

.Petitioner

Versus

Sat Dev and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner

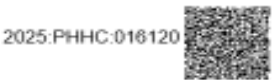
Mr. Parvinder Singh, Advocate
for the respondents.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the trial court's order passed on 23.01.2019, staying the proceedings in his suit under Section 10 of the Code of Civil Procedure, 1908.

2. Admittedly, a civil suit between the same parties was decided on 12.03.2018, against which first appeal is pending. In the present case, the plaintiff seeks specific performance of the agreement/family settlement entered into on 08.06.1999. In the previous suit, filed by the respondents, the aforesaid family settlement/agreement was the petitioner's defence. The correctness of the agreement/family settlement was directly subject matter of issue in the previous suit. Hence, the court has correctly stayed the proceedings in the subsequent suit. However, the petitioner will have option to file an application for revival of the suit as and when the First Appellate Court decides the case.

3. Keeping in view the aforesaid facts and discussion, the revision



petition is disposed of accordingly.

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

(ANIL KSHETARPAL)
JUDGE

February 04, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No