



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

CR-7246-2019(O&M)
Date of decision: 26.08.2025

M/s New Service Station and others

... Petitioners

Versus

Hindustan Petroleum Corporation Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

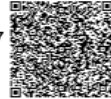
Present: Mr. Vijay Pal, Advocate, for the petitioners.

Mr. Raman Sharma, Advocate, for the respondents.

VIKRAM AGGARWAL, J. (ORAL)

By way of the instant revision petition, preferred under Article 227 of the Constitution of India, the petitioners assail the order dated 21.10.2019 (Annexure P-6), passed by the Court of Civil Judge (Jr. Divn.), Patiala, vide which the application (Annexure P-4) moved for stay of the suit (CS/3203/2018) was dismissed.

2. The facts, as emanating from the revision petition, are that the petitioners instituted a suit for declaration that plaintiff No.1 (M/s New Service Station) was the authorized dealer of Hindustan Petroleum Corporation Limited for the retail sale/supply of petroleum products at the Mall, Patiala, and plaintiff No.3 (Gurbax Singh) had transferred his share in favour of plaintiff No.2 (Surinder Kumar) and that the re-constitution of plaintiff No.1 was deemed to have been approved and accepted by the defendants (M/s Hindustan Petroleum Corporation Ltd.) by their acts and conduct. Mandatory injunction directing the defendants to treat and accept the re-constitution of plaintiff No.1 was also sought. In the plaint, reference



was also made to a registered Will dated 03.05.2011, stated to have been executed by plaintiff No.3 in favour of plaintiff No.2.

3. The suit was opposed by way of a written statement (Annexure P-2).

4. It transpires that a petition under Section 278 of the Indian Succession Act, 1925, for the grant of probate/letters of administration of the Will dated 03.05.2011 was instituted by plaintiff No.2. This petition was dismissed by the Court of Additional District Judge, Patiala, vide judgment dated 10.07.2019 (Annexure P-3).

5. After the dismissal of the aforesaid petition for grant of probate, an application was moved by the petitioners/plaintiffs for stay of the suit on the ground that an appeal against the decision dated 10.07.2019 was pending. The application was opposed by way of reply (Annexure P-5). By way of the impugned order, the said application was dismissed, leading to filing of the instant revision petition.

6. Learned counsel for the petitioners submits that the trial Court erred in rejecting the application without considering that the decision in the petition for the grant of probate would have a significant bearing on the decision of the suit. He further submits that under the circumstances, the trial Court ought to have stayed the proceedings in the suit.

7. Per contra, Mr. Raman Sharma, learned counsel representing the respondents, submits that there is no illegality in the impugned order. He contends that there is no connection between the suit and the petition for the grant of probate or the appeal filed against the decision dated 10.07.2019 and, therefore, the trial Court rightly dismissed the application.



8. I have considered the submissions made by learned counsel for the parties.

9. In the suit, the following prayer was made:-

“It is, therefore, prayed that the suit may please be decreed with costs and a decree for declaration that the plaintiff no.1 is the authorized dealer of Hindustan Petroleum Corporation Limited for its retail sale/supply of Petroleum Products at the Mall, Patiala, and plaintiff no.3 has transferred his share in favour of plaintiff no.2 and the re-constitution of the plaintiff no.1 is deemed to have already been approved and accepted by the defendants by their act and conduct and for Mandatory Injunction directing the defendants to treat and accept the reconstitution of the plaintiff no.1 and to complete all the necessary formalities in this behalf, may please be passed in favour of the plaintiffs and against the defendants.”

10. Apart from other averments, it was also pleaded that Will dated 03.05.2011 had been executed by plaintiff No.3 in favour of plaintiff No.2. A petition for the grant of probate was filed by plaintiff No.2, which was dismissed on 10.07.2019. Concededly, an appeal has been filed against the said decision. However, there is no connection between the two proceedings and, under no circumstances, can it be said that the proceedings in the suit would be liable to be stayed on account of the pendency of the appeal against the decision dated 10.07.2019.

11. The proper provision to stay a suit is that under Section 10 of the Code of Civil Procedure, 1908 (CPC). Clearly, the instant matter does not fall under Section 10 CPC, as the matter in issue in the probate proceedings



is neither directly nor substantially in issue in the suit, nor are the parties same.

12. The trial Court, therefore, did not commit any error in rejecting the application.

13. That being so, I do not find any merit in the present revision petition and the same is accordingly dismissed.

14. Pending applications, if any, shall also stand disposed of.

(Vikram Aggarwal)
Judge

August 26, 2025
Rajan

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