



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

142

CR-151-2022

Date of Decision:21.05.2026

KULWANT KAUR

....Petitioner

V/s

BALDEV SINGH AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ankush Singla, Advocate and
Ms. Parul Sarvar, Advocate
for the petitioner.

Mr. Didar Singh, Advocate
for respondent No.1.

VIKRAM AGGARWAL, J. (ORAL)

The instant petition, preferred under Article 227 of the Constitution of India, assails order dated 02.12.2021 (Annexure P-11) passed by the Court of Civil Judge (Junior Division), Amloh vide which the application filed by the petitioner/defendant under Section 10 CPC for stay of the suit was not decided by observing that since the trial had not begun, the stage was not proper to decide the application and that the stay application would be decided first.

2. Learned counsel for the petitioner submits that this was the 4th suit filed by the plaintiff, whereas earlier also an application under Section 10 CPC had been allowed and the suit instituted by the plaintiff had been stayed. He submits that the order passed by trial Court is not sustainable.

3. *Per contra*, learned counsel for respondent No.1 submits that the trial of the suit was not liable to be stayed and that the application filed under Section 10 CPC was devoid of merit.

4. I have considered the submissions made by learned counsel for

the parties.

5. Section 10 CPC lays down as under:-

“10. Stay of suit. - No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in India having jurisdiction to grant the relief claimed, or in any Court beyond the limits of India established or continued by the Central Government and having like jurisdiction, or before the Supreme Court.

Explanation.--The pendency of a suit in a foreign Court does not preclude the Courts in India from trying a suit founded on the same cause of action.”

6. It is in comprehensible as to on what basis the trial Court came to the conclusion that the stage was not proper for decision on an application under Section 10 CPC and instead, the application for the grant of injunction was to be decided.

7. The order being clearly unsustainable, is hereby set aside. A direction is issued to the Court concerned to decide the application under Section 10 CPC before proceeding further in the matter. Parties may appear before the trial Court on 01.07.2026 or on the date fixed, whichever is earlier.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 21, 2026

Mani Kumar

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No