

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-6096-2025 (O&M)****Date of Decision : 30.01.2026**

Suman Clark alias Suman Batra and Another

... Petitioners

Versus

Sunny Singh Clark and Another

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.P.S. Sandhu, Advocate for the petitioners.

Mr. Prateek Sodhi, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 16.07.2025 (Annexure P-10) whereby the application filed by the petitioners herein for bringing on record subsequent events after the passing of the order dated 11.03.2025 passed in CR-2403-2024, was dismissed and the application filed by the respondents under Section 36 of the Code of Civil Procedure, 1908 was allowed.

2. The brief facts relevant to the present *lis* are that the plaintiff-respondents filed a suit for declaration averring therein that they are exclusive owners in possession of the properties left behind by Jimmy Varajendra Clark, father of plaintiff-respondents, with further declaration that the defendant-petitioners herein do not have any concern with the suit properties and consequential relief of injunction restraining the defendant-petitioners not to

alienate the suit property by way of sale, gift, mortgage or to interfere in possession of the plaintiff-respondents. In the plaint the properties have been enlisted under 10 separate headings. The case set up by the plaintiff-respondents was that they are already in possession of the properties as they have been managing the same since their father resided in England. As far as the properties at Patiala are concerned, defendant-petitioner No.1 had started taking rent from the tenants without any right and was threatening that she was wife of Jimmy Varajendra Clark and after his death she had every right to collect the rent. It was further the case set up that defendant-petitioner No.2 was the illegitimate son of Jimmy Varajendra Clark. Therefore, the suit for declaration. Written statement was filed by the defendant-petitioners herein stating that after the divorce with Jagdeep Kaur i.e. mother of the plaintiff-respondents, Jimmy Varajendra Clark had solemnized his marriage with defendant-petitioner No.1 herein. A Will dated 14.02.2009 was also set up alleged to have been executed by Jimmy Varajendra Clark in favour of defendant-petitioner No.1. No replication was filed. After framing of the issues an application was filed by plaintiff-respondents for directing the defendant-petitioners to disclose the amount of rent and particulars of tenants from whom the rent was being received. The said application was allowed vide order dated 22.08.2019 by the Trial Court. The defendant-petitioners herein filed CR-6369-2021 against the said order which CR-6369-2021 was disposed off by this Court vide order dated 02.02.2021 holding as under :

“3. In the aforesaid premise, order dated 22.08.2021 (Annexure P-1) which is under challenge in the revision petition, is modified to the extent that subject to an application being filed, after compliance of the rest of

directions given by the trial Court, the same shall be disposed of by passing fresh order qua attachment of the rent.

4. *Disposed of, accordingly.*

5. *Pending applications, if any, shall also stand disposed of.”*

3. On the basis of the aforesaid order, an application was filed for recalling the order of attachment dated 22.08.2021 which application was dismissed by the Trial Court vide order dated 22.02.2024. The said order was thereafter challenged by the defendant-petitioners before this Court in CR-2403-2024 which was dismissed vide order dated 11.03.2025. However, the defendant-petitioners were given liberty to bring any subsequent events to the notice of the Court concerned. Strangely, instead of filing any application for amendment of the pleadings bringing the subsequent events on record, an application was filed for bringing on record subsequent events. An application was also filed yet again by the plaintiff-respondents under Section 36 CPC for recovery of rent received by the defendant-petitioners though their application already stood allowed vide order dated 22.08.2019 which till date stands. The modification, which was ordered vide order dated 02.12.2021 passed in CR-6369-2021, was only to the effect that in case the application is filed, the Trial Court would dispose off the same by passing a fresh order qua the attachment of rent. The said application stood dismissed by the Trial Court on 22.02.2024 and the order was affirmed by this Court vide order dated 11.03.2025. Infact, the order dated 22.08.2019 stands as such without any modification.

4. At this stage, learned counsel for the respondents' states that the application filed by the plaintiff-respondents under Section 36 CPC was

wrongly filed and that there was no requirement for filing a fresh application and seeks permission to withdraw the same.

5. In view of the above, the plaintiff-respondents are permitted to withdraw the application under Section 36 CPC and the revision qua order dated 16.07.2025 to the extent of dealing with the application under Section 36 CPC stands allowed and the application is dismissed as withdrawn. Hence, challenge to the impugned order remains only qua the application for bringing on record the subsequent events.

6. Learned counsel for the defendant-petitioners would contend that since this Court vide order dated 11.03.2025 passed in CR-2403-2024 had given liberty to the defendant-petitioners to bring the subsequent events to the notice of the Court concerned, hence an application was filed *sans* any reference to any provisions of law for bringing on record the subsequent events. In the same application reply was also filed to the application under Section 36 CPC filed by the plaintiff-respondents.

7. *Per contra* learned counsel for the plaintiff-respondents has contended that in Code of Civil Procedure, 1908 there is no procedure for bringing on record subsequent events by filing a simpliciter application *sans* any reference to any provisions of law.

8. Heard.

9. Vide order dated 11.03.2025 passed in CR-2403-2024 it was stated that out of 13 properties 07 were in a dilapidated state and were vacant and no rent was being received from them and only an amount of ₹20,000/- was being received as rent from the remaining properties. Hence, liberty was given to the defendant-petitioners to bring any subsequent events to the notice of the Court concerned. Rather than filing an application for modification or

clarification of order dated 22.08.2019 vide which rent was ordered to be attached and instead of filing any application for amendment of the pleadings, an application was filed without any reference to any provision of law. The subsequent events qua which liberty was given were noticed in para 7 of the order dated 11.03.2025. The liberty was given in view of the contentions of learned counsel for the plaintiff-respondents therein that out of 13 properties 07 were in dilapidated state and were vacant and no rent was being received and that only an amount of ₹20,000/- was being received. However, in the application there is no reference to 07 dilapidated properties or their details. Rather, in one paragraph it has simply been stated that some of the moveable properties are in dilapidated state.

10. The said application has been dismissed by the Trial Court vide order dated 16.07.2025 while allowing the second application filed by the plaintiff-respondents under Section 36 CPC. As noticed above, the order dated 16.07.2025, as far as the application under Section 36 CPC is concerned, is set aside in view of the statement made by learned counsel for the plaintiff-respondents that he withdraws the application. Qua the application for bringing on record the subsequent events, the same has rightly been rejected as noticed by the Trial Court that the application is reiteration of the earlier contentions which application was dismissed on 22.02.2024. It is also noticed that no significant or material event had been highlighted in the application. Infact, having made a statement before this Court in CR-2403-2024 that out of 13 properties 07 were in dilapidated state and were vacant, strangely there is not even a whisper of the said fact in the application now filed. It appears that the defendant-petitioners herein are only trying to circumvent the orders passed by the Trial Court and this Court and are not wanting to comply with

the same and totally frivolous applications are being filed one after the other which is leading to waste of precious judicial time not only for the Trial Court but for this Court as well.

11. This Court refrains itself from imposing any costs, on the request of learned counsel for the defendant-petitioners who states that the defendant-petitioners have no other means of income.

12. In view of the above, the present revision petition qua application for bringing on record the subsequent events, being devoid of any merit, is dismissed. Pending applications, if any, also stand disposed off.

30.01.2026
jk

(ALKA SARIN)
JUDGE

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