



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6905-2024 (O&M)

Date of Decision : 11.02.2026

Surinder Kumar alias Surinder Kumar Rajput

... Petitioner

Versus

Arun Nakra

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aman Bahri, Senior Advocate with
Ms. Vralika Bassi, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed by the petitioner challenging the order dated 12.11.2024 whereby application filed by the petitioner under Section 10 of the Code of Civil Procedure, 1908 has been dismissed.

2. On 28.11.2024 the following order was passed :

“Learned counsel for the petitioner has relied upon the judgment passed by a Division Bench of this Court in the case of Raj Spinning Mills, Amritsar Vs. A.G. King Ltd., Excelsior Mills [AIR 1954 P&H 113] to contend that the word ‘suit’ in Section 10 of the Code of Civil Procedure, 1908 would include an appeal. It is further the contention of the learned counsel that the petitioner herein had filed a suit for specific performance and symbolic possession of the suit property, which was dismissed on 10.03.2016 and

the appeal qua the said judgment and decree is pending before the First Appellate Court. During the pendency of the appeal, the present suit (Annexure P-8) has been filed for possession and mesne profits by the respondent herein, which is a matter directly and substantially in issue in the earlier suit and since the subject matter as well as the parties are the same, the application under Section 10 CPC ought to have been allowed.

Notice of motion returnable 18.12.2024.

Dasti as well. Liberty is granted to the petitioner to serve the respondent through the counsel representing him before the Court concerned.

To be shown in the urgent list.”

3. Learned senior counsel has today informed the Court that the appeal qua specific performance has been allowed by the First Appellate Court and the respondent has now preferred an appeal being RSA-3227-2025.

4. In view of the statement made by learned senior counsel, present revision petition is disposed off as having been rendered infructuous with liberty to the petitioner to avail his remedies as available in law. Pending applications, if any, also stand disposed off.

11.02.2026
jk

(ALKA SARIN)
JUDGE

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