



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

137

CR-2816-2025

Date of Decision:22.05.2025

GURDEV SINGH

...PETITIONER

VERSUS

STATE BANK OF INDIA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manu Loona, Advocate for the petitioner.

Mr. Adarsh Jain, Advocate,
Mr. Nitin Kumar, Advocate (through VC), &
Ms. Amandeep Kaur, Advocate for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. Instant revision petition has been filed by the petitioner/defendant under Article 227 of the Constitution of India assailing order dated 18.04.2025, Annexure P-9, passed by the learned Additional Civil Judge (Senior Division), Fazilka.

2. Counsel for the petitioner submits that a fraud was committed with the petitioner and he lodged a DDR as well as filed a complaint under the Consumer Protection Act, 1986, (for short "1986 Act"), which is pending. He states that the Bank-plaintiff/respondent has filed a suit for recovery of Rs.13,23,209/- alleging that the petitioner is liable to repay the amount overdrawn from the MC-Over Draft Facility. Counsel submits that as a complaint under 1986 Act is pending, civil suit is liable to be stayed under Section 10, CPC, and the Trial Court has erred in declining the application.

3. On the basis of the advance copy, respondent has appeared through Mr. Nitin Kumar and Mr. Adarsh Jain, Advocates. They have opposed the petition and submit that there is no other civil suit is pending between the parties, besides the suit for recovery filed by the Bank.

4. Having heard counsel for the parties and after considering their submissions, this Court is of the view that there is no merit in the revision petition. Section 10, CPC, provides that 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 litigation under the same title.

5. Concededly, besides the suit for recovery, no other civil suit is pending inter-se parties. Section 10, CPC, refers to a suit instituted in a Civil Court. Proceedings before consumer fora cannot be equated with proceedings before the Civil Court. Moreover, complaint under 1986 Act can only be for deficiency in service. Matter in issue before the Civil Court in suit, Annexure P-5, cannot be directly and substantially in issue in the complaint.

6. Petition lacks merits and is dismissed with no order as to costs.

22.05.2025
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No