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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(114 + 264)

CR-1423-2020 (O&M)

Date of decision: - 13.08.2025

Rambir

...Petitioner

Versus

Machla Devi (since deceased) through LRs and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ram Kumar Saini, Advocate  
for the petitioner.

Mr. Parveen Sharma, Advocate  
for respondents No.1 and 4.

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VIKAS BAHL, J. (ORAL)

CM-15654-CII-2025

1. Present application has been filed under Order 22 Rule 4 read with Section 151 CPC for impleading legal representatives of deceased-Machla Devi (respondent No.1).
2. For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed, subject to all just exceptions and the persons detailed in para No.3 of the application are ordered to be impleaded as legal representatives of respondent No.1. The amended memo of parties is taken on record.
3. It is clarified that this Court has not adjudicated upon the



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right of the estate of respondent No.1 and the legal representatives have been impleaded only to pursue the present revision petition.

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1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.10.2019 (Annexure P-6) passed by the Civil Judge (Junior Division), Assand (Karnal), vide which the application under Section 10 of CPC filed by the petitioner for staying the proceedings of the suit titled "Machla Devi and others Vs. Prempati and others" has been dismissed.

2. On 27.02.2020, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*"Present:- Mr. Ram Kumar Saini, Advocate  
for the petitioner.*

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*Learned counsel for the petitioner inter alia contends that subject matter of the two suits titled as **Sunehra @ Shera (deceased) through his LRs Vs. Goldy etc and Machla Devi and others Vs. Prempati and others** is one and the same and, therefore, the Court below ought to have invoked the proceedings under Section 10 CPC, which it has failed to do so.*

*Notice of motion for 28.04.2020.*

*Be given dasti as well.*

*In the meanwhile, proceedings in both the suits mentioned above shall remain stayed till further orders.*

***February 27, 2020"***

3. The said interim order is continued till date.

4. Learned counsel for the petitioner has submitted that Sunehra alias Shera, the predecessor-in interest of the present petitioner, had filed

civil suit for declaration with consequential relief of permanent injunction and in the said suit, he had challenged the Will dated 11.11.2005 allegedly executed by Mahipal in favour of the defendants therein. It is further submitted that the said suit is still pending and that Machla Devi, Rakesh Kumar, Tarsem Kumar and Jaspal had filed a suit for possession by way of legal partition with consequential relief of permanent injunction in which the suit property is the same as in the suit filed by the predecessor-in-interest of the present petitioner, which is now being pursued by the petitioner and his brothers as legal representatives of Sunehra alias Shera. It is stated that the suit for possession by way of legal partition deserves to be stayed till the time the suit for declaration with consequential relief of permanent injunction filed by Sunehra alias Shera (the predecessor-in-interest of the present petitioner) is not decided and the question of title is not settled. It is submitted that for the said reasons, application was filed by the petitioner under Section 10 CPC and the same deserves to be allowed, inasmuch as, till the time the shares of the parties are not determined, it would be a futile effort to proceed with the partition suit.

5. Learned counsel appearing for legal representatives of respondent No.1 has not disputed the above-said proposition and has submitted that the suit for partition be permitted to be revived after the final decision in the suit for declaration filed by Sunehra alias Shera.

6. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner as well



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as learned counsel for respondents No.1 to 4, the impugned order dated 11.10.2019 (Annexure P-6) is set aside and the present revision petition is disposed of with the following directions: -

- (i) The application under Section 10 CPC filed by the petitioner for stay of the proceedings in a suit titled as “Machla Devi and others Vs. Prempati (now deceased) through legal heirs and others”, is allowed and the said suit would remain stayed till the decision of the suit titled as “Sunehra alias Shera (since deceased) through his legal heirs Vs. Goldy and others”.

**August 13, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No