

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****130****CR-6598-2025(O&M)****Date of decision: 25.09.2025****Sandeep Kumar****...Petitioner(s)****Vs.****Thakur Dawara Kanwar Ji & Others****...Respondent(s)****\*\*\*****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vikas Singh, Advocate  
for the petitioner.

**\*\*\*****NIDHI GUPTA, J.**

Present Revision Petition has been filed by the defendant No.1 under Article 227 of the Constitution of India, for quashing the order dated 18.08.2025 (Annexure P4) passed by the Id. Civil Judge, Junior Division, Kurukshetra, in Civil Suit No.549 of 2021 dated 21.05.2021, whereby the application of the petitioner for stay of the proceedings under Section 10 CPC, has been rejected.

2. Brief facts of the case are that the plaintiffs/respondents have filed a Civil Suit dated 21.05.2021 (Annexure P1) for declaration with consequential relief of permanent injunction. The petitioner is the defendant No.1 in the said suit. The petitioner had moved an application



dated 'Nil' (Annexure P2) under Section 10 CPC for stay of proceedings in the suit as, RSA-4424-2013 is pending before this Court. The plaintiff had filed reply dated 'Nil' (Annexure P3) to the said application. Vide the impugned order dated 18.08.2025 (Annexure P4), the said application of the petitioner has been rejected.

3. It is submitted by learned counsel for the petitioner that the late Giri Raj Sarup Chetanaya Brahamchari, Guru of the petitioner died on 18.03.2018. CM NO.6901-C of 2019 in RSA NO.4424 of 2013 was filed by the petitioner Sandeep Kumar for being impleaded as a legal representative of the deceased Sh. Giri Raj Sarup Chetanaya Brahamchari. Thus, the petitioner Sandeep Kumar is a party in the regular second appeal. Ganesh Kumar son of Sh. Kailash Chand, the plaintiff in the subsequent present suit, has also filed CM No. 10942-C of 2024 (Annexure P-5) under Order 1 Rule 10 CPC for being impleaded as a respondent in the regular second appeal. Thus, the regular second appeal is between the parties of the present suit. These facts were concealed by the plaintiff while filing the suit. Thus, the finding of the Trial Court that the present suit and the earlier suit were between different parties is contrary to record and therefore the impugned order is patently erroneous. As the first requirement for applicability of Section 10 CPC is fulfilled, the second requirement is also fulfilled because the matter is substantially between the same parties. The dispute is regarding the management of the Mandir and its property. It is a matter of



record in the earlier suit that the deceased Giri Raj Sarup Chetanaya Brahamchari was managing the Mandir and its property and was receiving rent from the various tenants of the shop of the land in dispute. Various suits for ejection of tenants were filed by him. Many of the tenants have settled the matter with the petitioner in those proceedings.

4. It is submitted that from the perusal of the above fact it is clear that the main question of law in regular second appeal is whether the relief claimed in the plaint could be claimed in view of Section 92 of CPC. Now the suit out of which the present revision petition arises has been filed alleging it to be a suit on behalf of Thakurdwara Kanwarji and by Ganesh Kumar alleging himself to be Mohatmim of the Thakurdwara. The prayer in the above said suit is as follows :-

*"It is, therefore, respectfully and most humbly prayed that a decree for declaration to the effect that the plaintiff is owner in possession of the suit land and restraining the defendants from not to interfere in performing the Puja in the temple and restraining them from collecting rent from the tenants and also restrained from tethering their cattles in the suit land and restrained from parking their tractor, trolley and other agriculture equipments in the suit land or in any manner whatsoever may kindly be passed in favour of the plaintiff and against the defendants with costs of the suit, in the interest of justice."*

5. It is accordingly prayed that the learned trial Court was in error in dismissing the application of the petitioner as it failed to appreciate that



the main dispute pending the above-said RSA and the present suit between the plaintiff and the defendant is the same and is between the same parties being the plaintiff and the defendant in the present suit. The decision in the Regular Second Appeal will have a bearing on the proceedings in the present suit before the learned trial Court. Therefore, the proceedings of the learned trial Court are liable to be stayed. However, these facts have not been appreciated by the learned trial Court. Learned counsel accordingly prays for setting aside of the impugned order.

6. No other argument is made on behalf of the petitioner.

7. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the petitioner.

8. The record reveals that the present plaintiff No.1 is defendant No.2 in the previous Civil Suit which was instituted on 21.03.2009 by Shiv Mandir Committee. The present suit (Annexure P1) has been instituted by the respondent against the present petitioner and two other defendants. Shiv Mandir Committee is not a party in the present suit. Thus, parties in the two proceedings are different.

9. Furthermore, the said Civil Suit of 2009 was for declaration and for correction of the revenue entries under Section 45 of the Punjab Land Revenue Act; whereas the present Civil Suit is for declaration with consequential relief of permanent injunction under Order 7 Rule 1 CPC and



Sections 34 to 36 of the Specific Performance Act. As such, even the relief claimed in both the suits is different, and under different provisions of law.

Section 10 CPC is reproduced hereinbelow:-

*“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 1[India] have 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.”*

10. Thus, Section 10 CPC postulates preventing a Court from proceeding with the trial if the same matter has already been litigated in a previously instituted proceeding ‘between the same parties, or under the same title, in the same, or any other Court.’ The facts enumerated above show that in the present case, none of the requirements under Section 10 CPC are fulfilled. Therefore, no ground is made out to interfere in the impugned order. Present petition accordingly stands **dismissed**.

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

**25.09.2025**  
Sunena

**(Nidhi Gupta)**  
Judge

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No