

Shokat Ali vs Gulam Sabir & Anr.

CMPMO No.49 of 2025

20.02.2025 Present: Mr. Servedaman Rathore, Advocate, for the petitioner.

CMPMO No.49 of 2025

Heard.

Let notice be issued to respondents No.1 and 2, returnable in four weeks on taking steps within three days.

List on **20.03.2025.**

CMP No.2462 of 2025

Heard.

Notice on taking steps to non-applicants/ respondents No.1 and 2 in aforesaid terms.

2. Petitioner [Shokat Ali], has come up before this Court seeking stay of further proceedings in *Civil Suit No.4 of 2016, titled as Shokat Ali vs Gulam Sabir and Another*, pending before *Learned Civil Judge, Nahan, District Sirmaur*, whereby, an application filed by petitioner-plaintiff under Order 6 Rule 17 CPC, seeking amendment of plaint, so as to incorporate factum of compromise deed dated 14.04.2012, which was already on record and was exhibited also, but the application was dismissed by Learned Trial Court

on 13.01.2025, (*Annexure P-3*), referred to as *Impugned Order*, on the ground, that petitioner-plaintiff has failed to explain due diligence and such application cannot be allowed at belated stage and was held to be not maintainable.

3. Learned Counsel contends that once factum of compromise deed dated 14.04.2012 was already on record and was exhibited and these facts were sought to be incorporated by amending the plaint, so as to enable the Court to effectively adjudicate the substantive rights, then, the *Impugned Orders* dated 13.01.2025 [*Annexure P-3*], is alleged to be perverse.

4. Taking into account the facts and contentions raised, this Court is of the considered view that a *prima facie* case for grant of interim protection has been made out.

5. Accordingly, in the interim, this Court directs that further proceedings in *Civil Suit No.4 of 2016, titled as Shokat Ali vs Gulam Sabir and Another*, pending before *Learned Civil Judge, Nahan, District Sirmaur*, shall remain deferred, till the next date of hearing.

February 20, 2025
(*Chiranjeev*)

(Ranjan Sharma)
Vacation Judge