ITEM NO.23 COURT NO.11 SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21625/2010

(From the judgement and order dated 01/07/2010 in CR No. 7202/2009
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SNEH LATA Petitioner(s)

VERSUS

ANAND SARUP & ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

Date: 13/08/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.R.K.Kapoor, Adv.
For Mr. Anis Ahmed Khan,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 1.7.2010 passed by the learned Single Judge of the Punjab and Haryana High Court, who allowed the civil revision filed by the respondents and set aside the order of the trial Court which had adjourned sine die the proceedings of final decree on the ground of pendency of the suit filed by the petitioner questioning the legality of decree dated 29.11.1997 passed in an earlier suit fled by the respondents.

We have heard Shri R.K. Kapoor, learned counsel for the petitioner and perused the record. In our view, the learned trial Court committed a jurisdiction error by adjourning the



proceedings of the final decree without taking note of the fact that in the suit filed by the petitioner on 14.3.2005, the Court had not passed any order of injunction. The High Court, therefore, did not commit any error by setting aside the order of the trial Court and we do not see any reason to interfere with the impugned order.

The special leave petition is accordingly dismissed. However, it is made clear that the observations made by the High Court qua the suit filed by the petitioner shall not prejudice her cause at the time of final adjudication of the same.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master