

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).27227/2008

(From the judgement and order dated 03/10/2008 in CWP No.16539/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAKESH KUMAR

Petitioner(s)

VERSUS

AVNASH RANI & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief) (FOR FINAL DISPOSAL)

Date: 31/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE A.K SIKRI

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
 Mr. Tushar Bakshi, Adv.
 Ms. Natasha Vinayak, Adv.
For Mr. Jagjit Singh Chhabra, Adv.

For Respondent(s) Mr. Neeraj Kr. Jain, Sr. Adv.
 Mr. Pratham Kant, Adv.
 Mr. Ugra Shankar Prasad, Adv.

Mr. Ranjeet Kapoor, AAG
For Mr. Kuldeep Singh, Adv

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

Heard learned counsel for the parties.

We find no reason to interfere with the impugned judgment of the High Court. Reference in this connection may be made to the law laid down by this Court in Mary Joyce Poonacha (Mrs.) v K.T. Plantations Pvt. Ltd. and Others reported in 1995 Supp (2) SCC 459, which states that when dispute is pending trial in the civil suit, the appropriate course should be that the Registrar should stay his hands and direct the plaintiff to obtain appropriate direction from the Civil Court or a decree. The ratio laid down by this Court is squarely applied to the facts of the present case as well.

In such circumstances, we find no reason to entertain this special leave petition. All the same, whatever observations made by the High Court will not influence the Civil Court while deciding Case No.153-1 [pending before the Additional Civil Judge (Senior Division), Jalalabad (West)]. Further, we also indicate that the complaint preferred by the respondent, if pending, be dealt with uninfluenced by the observations made by the High Court, in accordance with law.

The special leave petition is disposed of.

