

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 27 of 2014

DATE OF DECISION : December 15, 2015

Harjit Singh

..... PETITIONER(S)

VERSUS

Amarjit Singh

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.
Mr. S.K. Mahajan, Advocate, for the respondent.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 27.11.2013, rendered by Civil Judge (Junior Division), Amritsar, application moved by the defendant-petitioner to dismiss the suit being barred by the principle of res judicata, had since been dismissed. The reasons assigned by the trial Court, in support of its order, read as thus:-

gone through the file. The present application has been moved by defendant on the ground that the land in question is similar to the land in question in the earlier suit for declaration which was decreed. It is further stated that the parties in suit are also same. Perusal of the judgment titled as Bachitar Singh v/s Janmeja Singh in civil suit No. 143 of 1972 decided on 19.04.1972 shows that controversy in suit essentially different from the controversy involved in the present suit. Moreover the parties in both the suits are different. Accordingly, no ground is made to allow the present application. Accordingly, present application stands dismissed.”

Ex-facie, the issue as to whether the present suit is, indeed, barred by the principle of res judicata, is something which could be determined only in the wake of the evidence that shall be led by the parties. In any case, the trial Court has observed in no uncertain terms that an analysis of the judgment rendered in Bachitar Singh vs. Janmeja Singh, Civil Suit No.143 of 1972, decided on 19.04.1972, reveals that the controversy in both the suits is essentially different.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. Petition being devoid of merit is, accordingly, dismissed in limine.

DECEMBER 15, 2015
Kang

(ARUN PALLI)
JUDGE