

CR-3099-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-3099-2015 (O&M).
Decided on: May 11, 2015.**

Smt.Kanwaljit Kaur

..... Petitioner(s)

Versus

Manjinder Kaur and another

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Anupam Bhardwaj, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Petitioner is facing two ejectment applications one on the ground of personal necessity and non-payment of rent for a particular period and second on the ground of non-payment of rent for other period in another Court. She has also filed a suit for specific performance of an agreement of sale by claiming that on payment of a sum of Rs.5 lacs as earnest money, the respondent had entered into an agreement of sale with her. The suit for specific performance and ejectment petitions, inter alia, on the ground of personal necessity are pending in the Court of Ms.Sushma Devi, Additional Civil Judge (Sr., Divn.), Amritsar, whereas the third petition for eviction on the ground of non-payment of rent for subsequent period is pending in the Court of Ms.Ruchi Kamboj, Rent Controller, Amritsar. The application under Section 24 CPC, for transfer of the cases to one Court has been dismissed.

Aggrieved by the said order, the petitioner has filed the present revision petition.

I have heard the learned counsel for the petitioner. During the course of arguments, it transpires that since two cases i.e., suit for specific performance and main ejectment petition are pending before the same Court of Ms.Sushma Devi, Additional Civil Judge (Sr., Divn.,) Amritsar, and second ejectment petition on the ground of non-payment of rent is pending in the Court of Ms.Ruchi Kamboj, Rent Controller, Amritsar. There does not appear to be any reasonable ground to transfer all the three cases in one Court. The suit for specific performance and rent petitions on the ground of non-payment of rent and personal necessity are both being decided simultaneously by the Court of Ms.Sushm Devi, Additional Civil Judge (Sr., Divn.,) Amritsar,.

Counsel for the petitioner submits that third case i.e., rent petition can be decided independently but he has prayed that both ejectment petitions and civil suit should be taken up together by clubbing the same. Said prayer of the counsel for the petitioner has been declined by the District Judge, Amritsar.

The request for clubbing the three cases does not appear to be reasonable prayer, as such the said request is declined.

So far as the pendency of civil suit and ejectment petition in the Court of Addl. Civil Judge (Sr., Divn.), and Rent

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Controller, Amritsar, is concerned, it will always be open to the petitioner to move an application before the same Court requesting to take both the two cases pending before the said Court simultaneously on one date of hearing. In case any such application is filed, it is expected that it would be considered taking into consideration the convenience of the parties. In case, it is not inconvenient to the Court or the parties, it will be expedient in the interest of justice, to take up both the cases simultaneously by fixing common date of hearing in both the cases. The clubbing of two cases pending in the said Court does not appear to be reasonable as the scope and ambit of the jurisdiction of the Tribunal i.e., of Rent Controller and civil Court are different for the purpose of adjudication.

The petition is dismissed with the aforesaid observations.

May 11, 2015.
rka

(M.M.S. BEDI)
JUDGE