

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3200 of 2015 (O&M)
Date of decision: 30.6.2015

Pushpa Rani (since deceased) through LR

.. Petitioner

v.

Bhupinder Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

None for respondents No. 1, 2, 7 and 8 despite service.

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Rajesh Bindal J.

Challenge in the present petition is to the order dated 16.4.2015, passed by the court below, whereby the application filed by the petitioner for withdrawal of two appeals, titled as “Bhupinder Singh etc. v. Rameshwar Dass and others” and “Bhupinder Singh etc. v. Pushpa Rani and others” against two judgments and decrees of the trial court dated 1.3.2011 and entrusting the same to one court along with appeal titled as “Pushpa Rani v. Pritam Singh etc.” filed by the petitioner against the judgment and decree of the trial court dated 16.12.2013, was dismissed. The prayer was made on the ground that the property and the issues involved in all the three appeals are common.

Learned counsel for the petitioner submitted that Chanan Singh was allotted 18 kanals of land after he migrated from Pakistan. The same was sold by him through his power of attorney holder to Pushpa Rani and Rameshwar Dass, vide registered sale deeds dated 17.2.1983. As Pritam Singh and Tara Singh were in illegal possession of part of the suit land, i.e., 6 kanals and 9 marlas, suit for possession was filed by Pushpa Rani and Rameshwar Dass on 15.1.2003, which was dismissed on 16.12.2013, holding that the sale deed on the basis of which ownership and possession was claimed, was itself a farce document. The judgment and decree dated 16.12.2013 passed by the trial court was challenged by filing appeal, which is pending in the court of Shri H.S. Grewal, Additional District Judge, Ferozepur. He further submitted that legal heirs of Chanan Singh filed two suits on 17.7.2008 challenging the two sale deeds vide which 18 kanals of land was sold by Chanan Singh (now deceased) through his power of attorney holder on 17.2.1983. Both the suits were dismissed by the trial court vide judgment and decree dated 1.3.2011 opining the sale deeds to be valid documents. The appeals preferred by legal heirs of late Chanan Singh are pending in the court of Shri Jaswinder Singh, Additional District Judge, Ferozepur. As there were two contradictory findings by the trial court pertaining to the sale deeds registered in favour of Pushpa Rani and Rameshwar Dass and appeals against the judgments and decrees of the trial court were pending in different courts, prayer was made for entrusting all the aforesaid three appeals to one court. However, the learned District Judge declined the prayer. The same may result in contradictory findings again.

Despite service of notice, none appeared for the contesting respondents either on the last date of hearing or today.

After hearing learned counsel for the petitioner and considering the submissions noticed above, where the issue pertaining to the same property in all three appeals pending in two different courts against three judgments and decrees of the trial court, is pertaining to the sale deeds got registered by Chanan Singh (now deceased) in favour of Pushpa Rani and Rameshwar Dass, in my opinion, it would be in the interest of justice in case all the three appeals are entrusted to one court. Ordered accordingly. The

impugned order passed by the court below is set aside. It is directed that the aforesaid appeals be entrusted to one court.

The petition stands disposed of.

(Rajesh Bindal)
Judge

30.6.2015
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