

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

CR No.3632 of 2015 (O&M)

Date of decision: 17.7.2015

Avtar Singh

..... Petitioner

Versus

Mukhtiar Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sandeep Kumar Goyat, Advocate, for the petitioner.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 27.2.2015 passed by the learned court below, whereby the application filed by the petitioner/defendant in the suit in question for stay of proceedings on the ground that another suit between the parties pertaining to the same property with same relief was pending, was dismissed.

Learned counsel for the petitioner submitted that the petitioner filed a suit on 25.3.2013 against the respondent seeking declaration that he is the owner in possession of the house constructed on plot No.721 measuring one kanal comprised in Khewat No.1461/1326 Khatoni No.1703 as per Jamabandi for the years 2007-08 situated in village Saniyana, Tehsil Tohana, District Fatehabad, the respondent has no title or interest in the aforesaid house and he is also entitled to get his name entered regarding half share in place of the respondent. Relief of permanent and mandatory injunction was also sought. During the pendency of the aforesaid suit, the respondent filed the suit in question claiming partition of the same property. The prayer made by the petitioner for staying the proceedings in the second suit was declined by the learned court below.

After hearing learned counsel for the petitioner, in my opinion, there is no error in the order passed by the court below in declining the prayer for stay of suit, however, the interest of both the parties can very well

be taken care of, in case both the suits bearing Case No.PBT-291 dated 25.3.2013/1.7.2013 titled as Avtar Singh v. Mukhtiar Singh and Case No.97-C dated 21.3.2014 titled as Mukhtiar Singh v. Avtar Singh pertaining to the same property between the parties though claiming different relief, are tried by the same court together.

Let the needful be done.

The petition stands disposed of.

(RAJESH BINDAL)
JUDGE

17.7.2015

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