

CR-4367-2015 (O&M)

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

**CR-4367-2015 (O&M).
Decided on: July 14, 2015.**

Rajesh Kumar Chaudhary

..... Petitioner(s)

Versus

Sunita Rani

..... Respondent(s)

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

**PRESENT Mr.B.S.Bedi, Advocate,
for the petitioner.**

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

On the basis of dual rights i.e. possession in the capacity as a tenant and possession in the capacity as a subsequent purchaser on the basis of an agreement of sale having paid earnest money, the petitioner is facing two litigation i.e. a suit for specific performance filed by the petitioner against original owner and other resisting ejectment petition filed by Sunita Rani who has also been impleaded as defendant No.2 in the suit for specific performance. The application filed by the petitioner under Section 10 of the CPC for staying the ejectment petition has been dismissed vide order Annexure P12.

Since both the cases are based upon different cause of action and involve determination of independent rights claimed by the parties, the prayer for staying ejectment petition does not appear to be appropriate as the scope of both the cases and

nature of evidence produced in both the cases has to be appreciated in different context, as such, the lower Court has rightly declined the application for staying the ejectment petition.

Learned counsel for the petitioner in the alternative has made a request that in view of circumstances of the case, both the cases should be decided simultaneously as the litigating parties are same and that the said act will prevent difference of opinion pertaining to the same points by different courts deciding the cases.

At this stage, he has prayed that a direction be issued to the trial Court to fix both the cases simultaneously on same dates to be decided separately.

In this context, I have considered the alternative contention of counsel for the petitioner and I am of the opinion that for said purpose the application may be filed before the Court concerned and in case of dismissal of the application, it will be open to the petitioner to approach this Court for said relief.

Stage of the case, convenience of the parties and practical aspects may be considered by the court concerned while deciding the application filed for simultaneous adjudication of the cases.

July 14, 2015.
rka

(M.M.S. BEDI)
JUDGE