

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

CR No.446 of 2015
Date of Decision:21.01.2015

Suresh Kumar

. . . . Petitioner

Vs.

Attar Singh

. . . .Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rajesh Arora, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 8.12.2014 by which an application filed by the petitioner for adjourning the present suit *sine die* till the decision of the Regular Second Appeal No.111 of 2012 pending in this Court.

Learned counsel for the petitioner has submitted that one Jawala Parshad was the owner of the property involved in the present suit as well as in the suit from which the second appeal has arisen. After his death, the suit property was mutated in favour of his daughters by way of natural succession. The daughters have further sold the property in dispute to one Samey Singh. The sons of Jawala Parshad sought a declaration that the property in dispute was ancestral in the hands of Jawala Parshad and could not have been inherited by the daughters and the sale deed executed by them in favour of Samey Singh was thus illegal.

The present suit has been filed by one Attar Singh that he has become the owner of the suit property which he has rightly

VIVEK PAHWA
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purchased from Samey Singh by way of sale deed. Since, Suresh Kumar was claiming his right over the property in dispute, therefore, Attar Singh sought declaration of his ownership rights qua Suresh Kumar impleaded as defendant in the suit.

Learned counsel for petitioner has argued that since the property in dispute in both the suits is same, therefore, the Court should await the decision of regular second appeal which is in motion hearing.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no merit in his submission because the suit filed by Suresh Kumar etc. (first suit) has already been dismissed and as such the second appeal is pending in this Court in which the parties are directed to maintain status quo. The present case is at the stage of evidence and it is anybody's guess as to whether Suresh Kumar would succeed in his second case which is pending in its motion hearing, therefore, the present application at this stage is totally frivolous and hence, it has been rightly dismissed by the Court below.

Accordingly, I also do not find any merit in the present petition and the same is hereby dismissed with cost of ₹10,000/-, which shall be deposited with the State Legal Services Authority, Haryana.

21.01.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**