

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

**CR No.4564 of 2015
Date of decision: 1.12.2015**

Bant Singh and another

..... Petitioners

Versus

Nasib Chand and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not? Yes
3. Whether the judgment should be reported in the digest?

Present : Mr. Vijay Lath, Advocate for the petitioners.

Mr. Naveen Batra, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 15.04.2015, rendered by the Civil Judge (Jr. Divn.), Anandpur Sahib, District Rupnagar, application moved by the petitioners/defendants, under Section 10 of the Code of Civil Procedure, to stay the proceedings in a suit i.e. Nasib Chand Vs. Bant Singh and others had since been dismissed. The reasons recorded by the learned trial Court in support of its order reads as thus:-

**“Now the present suit has been filed by plaintiff
namely Nasib Chand wherein he has challenged the Will
dated 7.1.2007 and in the suit titled as Mohinder Kaur Vs.
Malkit Singh the plaintiff namely Mohinder Kaur has also**

challenged the aforesaid Will dated 7.1.2007. Both Mohinder Kaur and Nasib Chand are brother and sister. Though the suit property and the matter in dispute is same in both the civil suits but the present suit cannot be stayed under Section 10 of CPC because the plaintiff in the present suit i.e. Nasib Chand is the defendant in other case titled as Mohinder Kaur Vs. Malkit Singh. For the sake of arguments even if, the suit titled as Mohinder Kaur Vs. Malkit Singh is decided in favour of the plaintiff, it would still not declare the right of the plaintiff in the present suit i.e. Nasib Chand. Thus the proper course would be that both the suits shall run concurrently and are decided on the same date so as to avoid any conflicting judgments”.

For, similar issues were/are involved, the trial Court ordered that both the suits shall run concurrently and shall be decided on the same date so as to avoid any conflicting decisions. In suit that has been filed first in point of time, Mohinder Kaur is the plaintiff, whereas, in the subsequent suit, Nasib Chand is the plaintiff and he is seeking declaration qua ownership and possession. Therefore, there was hardly any reason to stay the proceedings in his suit. Even the prayer as regards consolidation of both the suits was rightly declined by the trial Court. In any case, once the Court has observed that both the suits shall be decided on the same date to avert any conflicting decisions, petitioners suffer no prejudice.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly, dismissed.

December 1, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**