

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc. No.3174-CII of 2015 in/and
Civil Revision No.613 of 2015
Date of decision: 13.02.2015

Teja Singh alias Gurtej Singh

....Petitioner

Versus

Sukhmander Singh alias Mander Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. B.S.Sidhu, Advocate for the petitioner.

G.S.Sandhawalia J.(Oral)

Civil Misc. No.3174-CII of 2015

Prayer made in the present Civil Misc. Application for placing copy of reply dated 7.8.2014 on record is allowed subject to just exceptions and for the purpose of deciding the present revision petition only.

Copy of reply dated 7.8.2014 is taken on record.

Office to tag the same at appropriate place in the file.

The Civil Misc. Application stands disposed of accordingly.

CR No.613 of 2015

Challenge herein is to the order dated 18.12.2014 (Annexure P/2) whereby the Sessions Judge, Sri Muktsar Sahib has dismissed the application for consolidation of the suits interse the parties on the ground that they are at different stages. The parties are closely related to each other being sons of Nar Singh. Admittedly, the suit filed by the petitioner for declaration is at a preliminary stage whereas the suit filed by the respondent-defendant Sukhmander Singh and another is at advanced stage and fixed for arguments.

In such circumstances, even if the suit for permanent injunction is decided, it will only be on the basis of the evidence that who is in possession and no prejudice would be caused to the petitioner. In the suit for declaration challenge is to the revenue entries and a decree dated 23.4.1988 and therefore,

involves a different issue which has to be proved by the petitioner. Thus, the order dated 18.12.2014 passed by the Sessions Judge, Sri Muktsar Sahib does not warrant any interference.

Accordingly, the present revision petition is dismissed.

13.02.2015
Pka

(G.S.SANDHAWALIA)
JUDGE