

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 6233 of 2015

Date of decision : September 21, 2015

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Avinash Kaur

.....Petitioner

Versus

Alla Singh and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Present revision petition has been filed against the order dated 11.8.2015 (Annexure P-5), whereby an application filed by the petitioner-plaintiff under Section 10 CPC for stay of proceedings in a suit has been dismissed.

The petitioner-plaintiff had filed a suit for execution of agreement to sell which was duly executed by defendant no.1 Alla Singh dated 4.3.2005 regarding suit land measuring 9 bighas 19 biswas 6 biswansis pukhta. In the present suit, the evidence of the parties had been recorded when the application for staying of the proceedings was made by the petitioner-plaintiff. The case of the petitioner-plaintiff was that with regard to the same land Alla Singh

has executed two agreements to sell which was subject matter of dispute and the matter was pending in the High Court in **RSA No. 5347 of 2003** titled “**Alla Singh vs. Jaswant Kaur etc.**” admitted by this Court vide its order dated 4.5.2009 and in **RSA No. 2553 of 2009** titled “**Sant Baba Balwant Singh vs. Didar Singh etc.**” admitted by this Court vide its order dated 27.7.2011. It was prayed in the application filed under Section 10 CPC by the petitioner-plaintiff that since the suit land was subject matter of two regular second appeals pending in this Court, the proceedings before the trial Court be stayed awaiting the decision of the High Court. The aforesaid application has been rightly dismissed by the trial Court as parties in both the appeals pending in this Court are not the same and even the plaintiff is not a party in any of the suit. The agreement to sell in favour of the petitioner-plaintiff has been executed much subsequent to the agreement to sell executed in favour of Didar Singh and Jaswant Kaur. The petitioner-plaintiff was aware of the sale deed and pending litigation when he purchased the suit land.

In view of all that has been discussed above, no interference is required in the order dated 11.8.2015 (Annexure P-5). Present revision petition is dismissed.

September 21, 2015
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(**RITU BAHRI**)
JUDGE