

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

**CR No. 7713 of 2014 (O&M)
Date of decision: 18.12.2015**

Rani Bath

... Petitioner

versus

Mission Primary School, Fatehgarh Churian and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.D. Bawa, Advocate for the petitioner.

Mr. G.S. Bhatia, Advocate for respondent Nos. 1 and 2.

Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

for respondent Nos. 3 to 6.

K.Kannan, J.

The revision petition is against the order dismissing the application filed under Section 10 CPC. It was brought at the instance of defendant Nos. 5 and 6 in the suit filed by the plaintiff for injunction restraining the defendants from interfering with the peaceful possession. The suit has been instituted earlier between the same parties and some other defendants. The very same plaintiff has sought substantially the same relief. Defendant Nos. 5 and 6 in the present suit were defendant Nos. 2 and 3 in the previously instituted suit. In case No. 431 of 1993, the suit has been stayed to await the decision of the civil appeal in RFA No. 2567 of 1992, The Amritsar Diocessan, Trust Association Vs. Church of North India pending in the high court. The application is filed on the ground that a further appeal has been filed against the order of the District Judge in appeal to this Court in SAO No. 24 of 2013 and since the previously instituted suit is still pending, it ought to be a ground for stay of proceedings on a subsequently suit, the instant suit containing substantially the same relief also required to

be stayed. Even if the subsequently instituted suits were to be revived, I will still see reason to stay the proceedings in this suit since the plaintiff and some of the defendants are the same and the issue of management of the Mission School at Fatehgarh Churian would have an immediate relevance to the instant suit as well. The Court below has dismissed the application only because all the defendants were not the defendants in the said suit. If the relief is with reference to the same subject matter and some of the plaintiffs and the defendants are the same and that further if decision in one will have an immediate bearing to yet another suit, it will be only appropriate that the newly instituted suit is also stayed during the disposal of the case in SAO No. 24 of 2013.

The order passed already by the Court below is set aside and the revision petition is allowed.

(K.KANNAN)
JUDGE

18.12.2015

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