

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

CR No.8510 of 2014 (O&M)
Date of Decision: 09.02.2015

Balwinder Kaur

. . . .Petitioner

Versus

Mohinder Singh and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.G.S. Nahel, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This revision petition is directed against the order dated 15.1.2014, dismissing the application filed by the petitioner/defendant No.3 in the suit, for adjournment of the suit *sine die*, on the ground that the other suit filed by defendants No.1 & 2, in this case, for possession against the present plaintiffs was dismissed and the first appeal is pending.

The trial Court dismissed the application on the ground that there is no possibility of any conflict of finding as both the suits are altogether different.

Learned counsel for the petitioner has vehemently argued that if the present suit is allowed to continue, its finding would adversely affect the other suit filed by defendants No.1 and 2.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no error in the order passed by the Court below because the

VIVEK PAHWA
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I attest to the accuracy and
authenticity of this document

petitioner/defendant No.3 is alleging himself to be a *bona fide* purchaser of the land in dispute from defendants No.1 and 2, who had filed suit for possession of the property in dispute against the plaintiffs. Thus, the cause of action in both the cases are altogether different because defendants No.1 and 2 have lost their case in trial Court in recovering the possession from the plaintiffs, who had to file permanent injunction because they have pleaded that defendants No.1 and 2 may not dispossess him forcibly. It is also admitted by learned counsel for the petitioner that *ad interim* injunction has already been granted to the plaintiffs in the suit filed for permanent injunction.

In view thereof, I do not find any merit in the present revision petition and the same is hereby dismissed.

09.02.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**