

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

CR No.1250 of 2014

Date of decision : 29.01.2016

Harpreet Kaur and ors.

...Petitioners

Versus

Gurmeet Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Ajay Pal Singh, Advocate for the petitioners.

Mr. M.K. Singla, Advocate for respondent Nos.1 to 3.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiffs is aggrieved of the order dated 30.11.2013, whereby application filed by the respondent/defendant under Section 10 of the Code of Civil Procedure, has been allowed.

Mr. Ajay Pal Singh, learned counsel appearing on behalf of petitioners submits that in previous round of litigation, RSA No.1570 of 2002 stands admitted. Since, entry in the revenue record reflects that the property sold to the present respondents is by the petitioner, whereas the position is otherwise. In fact, the petitioner never sold the property to the present respondents. It is in this respect, the suit for declaration declaring

the wrong entries made by the defendants in the jamabandi for the year 2005-2006 was filed i.e. suit bearing No.158 of 16.08.2007. The trial Court ought not to have entertained the application under Section 10 as the matter is not of the same nature and thus submits that order under challenge is not sustainable and liable to be set aside.

Mr. M.K. Singla, learned counsel appearing on behalf of respondents-defendants submits that earlier RSA aforementioned has arisen out of the civil suit No.383 of 20.04.1994 and as well as counter claim filed therein. The matter in dispute in both the suits is same, therefore, the application under Section 10 CPC has rightly been entertained/allowed.

I have heard learned counsel for parties and appraised the paper book and of the view that order allowing the application under Section 10 CPC is perfect, legal and justified. The suit property is same and RSA is stated to be pending, even there is an interim order vis-a-vis operation of the judgment and decree of the first Appellate Court was stayed on 28.04.2004, whereas (stayed) suit has been filed in 2007. In my view, the matter in issue is directly and substantially the same and aforementioned judgment and decree has rightly been stayed.

I do not find any illegality and perversity in the impugned order.

Order cannot be said to have been passed without jurisdiction.

Revision petition is dismissed.

29.01.2016

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**(AMIT RAWAL)
JUDGE**