

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.16 of 2014 (O&M)
Date of Decision.29.01.2016

Bachna son of Daulat Singh and others

.....Petitioners

Vs.

Dhanvir Singh and others

.....Respondents

Present: Mr. Som Nath Saini, Advocate
for the petitioners.

Mr. Rajiv Joshi, Advocate
for respondent No.1.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. With the consent of both parties, the revision itself is taken up for hearing. The defendants in the suit have sought stay of trial of the suit contending that the very same plaintiff had earlier filed a case claiming a partition of the property as a proprietor against several persons including their own purchasers and the said judgment is subject of second appeal before the High Court and the case must, therefore, be stayed under Section 10 CPC.

2. Learned counsel appearing on behalf of the plaintiff-respondent states that he will make no reliance on the decree already obtained by him securing to him the partition and in respect of which there is admittedly an appeal before the High Court. His contention is that his status as proprietor was never in challenge and only question is

whether he is entitled to partition of the property and secure himself a separate possession. That is not the subject matter in the present suit and what is challenged in the present suit is an alienation by a person who was originally a lessee and according to the plaintiff transaction of sale was made on the basis of some changes effected in the revenue entries. He would not be interested in relying upon a decree already obtained before the District Court and now the subject matter of appeal before the Court.

3. Taking the submission, I do not think there is necessity for stay of the trial of the suit. The suit will only be decided on the validity of the sale said to have been effected by the defendant which is the subject matter of challenge in the suit. The revision petition is disposed of as requiring no intervention with the order passed already by the Court below but subject to the observations made above.

(K. KANNAN)
JUDGE

January 29, 2016
Pankaj*