

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

CR No.341 of 2016

Date of decision : 19.01.2016

Viqar-ur-Rahman Jamali

...Petitioner

Versus

Mohammad Sohail Akhtar 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. Shalender Mohan, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-defendant No.1 is aggrieved of the order dated 13.11.2015, whereby application moved under Section 10 of Code of Civil Procedure for staying the suit titled as Md. Sohail Akhtar Vs. Viqar-ur-Rahman Jamali and ors. (Annexure P-5), has been dismissed.

Mr. Shalender Mohan, learned counsel appearing on behalf of petitioner-defendant No.1 submits that State of Haryana and various other defendants vide Annexure P-2 filed suit for declaration on the premise that it is owner of land measuring 317 kanals 2 marlas as well as challenged the various sale deeds and mutation mentioned in the suit claiming the correction of the revenue record on the basis of the judgment and decree

dated 31.05.1961 & whereas present suit is only for declaration.

On going through both the suits, I am of the view that both the suits are for declaration with no consequential relief of injunction. The subsequent suit sought to be stayed is only with regard to declaration for removal of defendant No.1 as sajda nashin and not with regard to the ownership whereas suit filed by the State is claiming the ownership. Thus, matter in issue is not identical and thus application does not fall in view of the provision of Section 10 of the Code of Civil Procedure. The issues of the both the suits has not been placed on record, in order to make the case within the provision of Section 10 of Code of Civil Procedure. The petitioner has remedy elsewhere.

I am in agreement with the findings rendered by the trial Court declining the application.

There is no merit in the petition as the impugned order cannot be said to have been passed without jurisdiction.

Revision petition is dismissed.

19.01.2016

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**(AMIT RAWAL)
JUDGE**