IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CR No. 7327 of 2014 (O&M)
Date of Decision: March 4, 2016

Balbir Singh

...Petitioner

Versus

Budha Dal Public School, Patiala and others

...Respondents

(2) CR No. 7328 of 2014 (O&M)

Balbir Singh

...Petitioner

Versus

Budha Dal Public School, Patiala and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vijay Sharma, Advocate,
for the petitioner in both the cases.

Mr. Jagtar Singh Sidhu, Advocate, for
Mr. RS Bains, Advocate,
for the respondents in both the cases.

K. KANNAN, J. (Oral)

1. There is a prayer for adjournment by the respondents. Learned counsel for the petitioner opposes it and I, therefore, sought to elicit the nature of order that is subject of revision. It is a request for consolidation of two suits which are before the same court. Having regard to the nature of the prayer, it becomes imperative only to consider whether the court could have the benefit of the joint trial which ought to be essentially the court's duty to see even in the absence of the request from the party. I have allowed for arguments to be made and I am of the view that no serious prejudice will

PREM SINGH
2016.03.21 11:13
I attest to the accuracy and
integrity of this document

be caused, if the case is proceeded. Therefore, I decline the plea for adjournment.

2. In both the suits, the issue is, whether the defendant has a right to manage the religious institution that owns several schools. One suit is by the school represented by Jathedar Baba Avtar Singh against the defendant and yet another suit by another Jathedar Joginder Singh, Sukhbir Singh and Baba Harbans Singh contending a similar relief that it is only Joginder Singh, who is entitled to manage the entire property and the defendant should not waste, possess or deal with the property. In essence, it is the right of management of the same religious institution, namely, Shiromani Panth Akali Budh Dal Panjwan Takhat that is the subject of litigation in both the suits. I have seen through the issues as well and the principal issues are with reference to the rival claims who are entitled to administer the institutions of the school run by it.

3. Having regard to the nature of the suits and the issues, there is bound to be a conflict if they are disposed of separately. After all, through one order of the District Judge, two suits have been brought before one court and the court should have exercised its discretion to allow for joint trial taking the plaintiff and defendant in the former suit as the plaintiff and defendant in the joint trial. The evidence in the former suit may be treated in the latter as well.

4. Both the revisions are allowed on the above terms.

March 4, 2016 **(K.KANNAN)**
prem **JUDGE**

PREM SINGH
2016.03.21 11:13
I attest to the accuracy and
integrity of this document