

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

C.R. No.7776 of 2016

Date of Decision.18.11.2016

Kuldeep Kaur

.....Petitioner

Vs

Amandeep Kaur @ Amarjeet Kaur and another

.....Respondents

Present: Mr. Shamsheer Singh Gill, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff in civil suit title “Kuldeep Kaur VS. Amarjeet Kaur @ Amandeep Kaur and another” (Annexure P-1) is aggrieved of the dismissal of the application moved under Section 10 CPC moved in Civil Suit titled as “Amandeep Kaur and another Vs. Kuldeep Kaur” bearing No.55 of 2015.

Mr. Gill, learned counsel appearing for the petitioner-defendant in Civil Suit (Annexure P-3) submits that the nature of the property and the relief sought is identical, much less, the matter in issue is directly and substantially the same. It is in this backdrop of the matter, application under Section 10 CPC was moved but the same has erroneously been dismissed. Both the parties shall be leading separate evidence and there is every likelihood of a different verdict.

I have heard learned counsel for the petitioner-defendant in Civil Suit (Annexure P-3) and of the view that there is no force and merit in his submission. During the course of the hearing, this Court called upon Mr. Gill to apprise this Court regarding the pendency of the suit in same

Court or in different courts and the answer is they are being tried in same

Court. I am of the view that the remedy, if any, is for moving an application for consolidation in order to avoid duplication of the evidence instead of remedy as chosen/noticed.

For the reasons aforementioned, I do not find any reason to differ with the order under challenge, much less, the order cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed but with the above observations.

(AMIT RAWAL)
JUDGE

November 18, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No