

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

C.R.No. 3277 of 2017(O&M)
Date of decision: 13.07.2017

Harjinder Kaur

.....Petitioner

versus

Mohinder Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. V.K.Sandhir, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present revision petition has been filed for setting aside the order dated 16.03.2017(Annexure P-5) passed by Civil Judge(Junior Divison) Amritsar in case titled as *Mohinder Singh vs. Harjinder Kaur and others* by which application of the petitioner filed under Section 10 read with Section 151 CPC has been dismissed and the relief claimed by him for stay of the second suit filed by the defendant, has been declined.

Learned counsel for the petitioner submits that the subject matter of the suit is the same and the contraversy relates to the same transaction of transfer deed between the co-sharers. Only relief claimed in the second suit is that the plaintiff has claimed injunction against the present petitioner regarding his dispossession.

There is no illegality or infirmity in the order passed by the learned trial court. The relief claimed in the second suit is different, which probably would not be available in the first suit. Since the relief claimed is different and is also based on specifice plea of possession, therefore, the stay of the second suit could not be justified.

Confronted with the situation, learned counsel for the petitioner submits that both the suits can be tried together for the purpose of evidence and decision of the case so as to avoid the multiplicity of the proceedings and possibility of inconsistent findings.

This prayer of learned counsel for the petitioner is justified. Therefore, both the suits are ordered to be tried together. Both the civil suits be placed before the same Court below on 23.08.2017.

In view of the above, the present petition is disposed of.

13th July, 2017
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE