

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CR No.8170 of 2016 (O&M)**

**Date of decision:27.1.2017**

Dr.Samunder Singh Brar

...Petitioner

**Versus**

Saroj Rani and others

...Respondents

**CR No.8179 of 2016**

Dr.Samunder Singh Brar

...Petitioner

**Versus**

Saroj Rani and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

**Present:** Mr.Raj Kumar Chandana, Advocate for the petitioner(s).

**RAMESHWAR SINGH MALIK, J. (Oral)**

These two identical revision petitions between the same parties are directed against the similar orders, whereby learned Additional District Judge remanded the case to the learned trial Court for deciding two questions after framing appropriate issues and granting opportunity to both the parties to lead their respective evidence.

Heard learned counsel for the petitioner.

The only argument raised by the learned counsel for the petitioner was that the twin questions, which have been directed by the learned first appellate court to be decided by the learned trial Court after framing issues, vide impugned order, already stood decided because of which the impugned orders were patently illegal. However, when learned

counsel for the petitioner, who in support of his above-said submission, referred to the order dated 12.3.2011 (Annexure P-4) passed by the learned executing court and particularly at page 35 of the paper-book, he was unable to substantiate his argument. In fact, the above-said argument raised by the learned counsel for the petitioner has been found factually incorrect and contrary to the official record including the order dated 12.3.2011 (Annexure P-4). Having said that, this Court feels no hesitation to conclude that the learned Additional District Judge committed no error of law, while passing the impugned order and the same deserves to be upheld.

The twin questions were whether the suit property was transferred during the proceedings in favour of the judgment debtors and also whether the objector was exclusive owner of the property. The second question was whether the property in question was liable to be attached/sold or there was any irregularity in sale which has resulted in manifest injustice to the respondents herein, i.e. Saroj Rani etc.

Since both these questions could not be decided for want of sufficient evidence, the learned Additional District Judge was well justified in passing the impugned order(s), remanding the cases to the learned trial Court for deciding the above-said questions afresh after hearing both the parties. Since the impugned order has not been found suffering from any patent illegality or perversity, the same deserves to be upheld.

In the circumstances of the case noticed hereinabove, the impugned order was the only order, which could have been passed in the mutual interest of both the parties and also to avoid multiplicity of litigation at a later stage. It is the settled principle of law that multiplicity of litigation

must be avoided and at the same time the controversy involved between the parties must be decided completely. Since the learned Additional District Judge has proceeded on a factually correct and legally sound approach while passing the impugned order(s), the same deserves to be upheld for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that both these revision petitions are wholly misconceived, bereft of merit and without any substance, thus, these must fail. No case for interference has been made out .

However, the request made by the learned counsel for the petitioner for expeditious decision of the cases has been found to be justified. Accordingly, the learned trial Court is directed to make an endeavour to decide both these matters as early as possible, in accordance with law.

Resultantly, with the above-said observations made, both the revision petitions stand dismissed, however, with no order as to costs.

**27.1.2017**  
**mks**

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No