

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 1255-2015 (O&M)
Date of decision: 24.01.2018

Laxman and others

.....Petitioners

versus

Narain Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Prateek Mahajan, Advocate for the petitioners
Mr.Sudhir Aggarwal, Advocate for respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is order dated 16.1.2015 (Annexure P11) passed by learned Civil Judge (Junior Division), Hodal, vide which, application filed under Section 10 CPC by defendant nos.1 to 9 was dismissed. It was claimed in the application that the sale deeds dated 29.10.1990 and 30.10.1990, on the basis of which plaintiffs claimed the ownership have been challenged in RSA No.1 of 2004. Therefore, the present suit is liable to be stayed.

I have heard learned counsel for the parties.

The perusal of the RSA shows that two daughters of Chanda namely, Ramsiri and Brijesh, who have lost in two Courts below, have filed RSA against Narain Singh regarding said sale deeds dated 29.10.1990 and 30.10.1990. The RSA is lying admitted and unlikely to be decided in near future. A perusal of copy of the plaint of the present suit shows that it was

filed by Narain Singh on 15.02.2010 against some persons and two daughters of Chanda are not party to the present suit. The suit is for declaration, possession and permanent injunction in which, Narain Singh claimed ownership on the basis of the said two sale deeds. He claimed that he was dispossessed by defendant nos.1 to 9, on the basis of order passed by AC IInd Grade Hodal and that defendant nos.1 to 9 are in illegal and unauthorized possession. It also comes out in the suit, issues were framed and next date was fixed for the evidence of the plaintiffs. First application was filed on 1.10.2013, which was dismissed. The second application was filed on 2.1.2015 which has been dismissed vide impugned order.

I am of the view that the first application was filed after 3 ½ years of suit and the second application was filed a little less than 5 years of filing of the suit. Evidence of the plaintiffs is going on. In the present suit, the plaintiffs claimed that they have been dispossessed by defendant nos.1 to 9. In view of the matter, I am of the view that the trial Court has rightly held that there is no ground to stay the suit under Section 10 CPC. However, the present petitioners can always raise appropriate plea before the lower Court at the time of the final arguments/decision.

The present revision petition stands dismissed accordingly.

24.01.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No