

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

**CR No.2155 of 2018 (O&M)
Date of Decision: April 23, 2018**

Surender Pal Singh

..Petitioner

Versus

Jitender Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kul Bhushan Sharma, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In this civil revision petition petitioner-Surender Pal Singh has sought to seek against respondent-Jatinder Pal Singh, who both are close relations, a prayer by moving an application under Section 10 CPC that a regular second appeal No.3321 of 2011 is pending before this Court and the present suit for permanent injunction being of the same nature ought to be stayed and which prayer through impugned order dated 8.3.2018 of the Court of learned Civil Judge, Junior Division, Faridabad stood dismissed.

Upon hearing learned counsel for the petitioner, it is the admitted stand of the learned counsel for the petitioner that the suit out of which the present matter has arisen is a pure simplicitor suit for permanent injunction, whereas, the matter which is already been decided regarding which regular second appeal is pending before this Court pertains to question of registered sale deed dated 18.06.1986 alleged to have been

executed by one Pritam Singh, whereas, he bequeathed the suit property in favour of respondent No.1 and who is alleged to have become absolute owner of the suit property. The plaintiff was aware of the fact that he has lost the earlier suit in which he has filed regular second appeal and for what has insisted filing of the present suit for permanent injunction in the same matter, if it is so, as is argued by the learned counsel for the petitioner does not auger well for the petitioner. Learned counsel for the petitioner could not convince this Court how both these suits were pertaining to the same set of issues when the very object as underlined in Section 10 CPC is to avoid two parallel trials on same issues and to avoid recording of findings on issue in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the parties. Merely because the petitioner has filed the present application under Section 10 CPC does not in any manner put an embargo on the Court below to put to hold the present proceedings. The Court below has rightly drawn conclusion which needs to be upheld. Thus, finding no merit the present revision petition stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 23, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No