

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.4767 of 2017 (O&M)
Date of Decision: 27.02.2018

Ramesh Kamal

....Petitioner (s)

Versus

Bansi Lal & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.K. Biriwal, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India, impugning the order dated 23.05.2017 passed by learned Civil Judge (Jr. Divn.), Safidon, whereby, the application filed by the petitioner under Section 10 CPC was dismissed.

It has been brought to the notice of this Court that with regard to the same property on same cause of action, respondent no.1-plaintiff had filed a Civil Suit No.RBT-295/2012, for declaration, declaring him as joint owner in possession over the suit property, whereas Civil Suit No.37/2011 was filed by petitioner-defendant no.1, for permanent injunction. Admittedly, Civil Suit No.295/2012 was decreed whereas Civil Suit No.37/11 was dismissed vide common judgment dated 21.09.2015.

Petitioner-defendant no.1 has preferred two separate appeals before the lower Appellate Court against the order dated 21.09.2015 passed by the lower Court, which are pending consideration, but no stay has been granted therein. Moreover, once the civil suits instituted earlier between the same parties have already been decided, Section 10 CPC would not be attracted.

Therefore, this Court finds that there is no illegality in the impugned order dated 23.05.2017 passed by learned Civil Judge (Jr. Divn.), Safidon.

Accordingly, the present revision petition is dismissed.

February 27, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No