

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

116

CR No.7662 of 2017 (O & M)
Date of Decision:03.04.2018

Chattar Pal

...Petitioner

Versus

Supindra Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Sharma, Advocate for
Mr. Surinder Mohan Sharma, Advocate
for the petitioner.

Mr. Rakesh Bakshi, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

It is not disputed that five civil suits are pending between the parties with respect to same properties. Learned District Judge, Ambala vide order dated 23.12.2015 had passed the relevant part thereof is extracted as under:-

“Having regard to the aforesaid facts and circumstances, it will be in the interest of justice that all the cases should be tried by one court, which will also avoid the conflicting judgments. As such, it is directed that matters mentioned at Point 'A', 'B', 'D' and 'E' are withdrawn from the respective courts and all these cases are transferred to the court of Ms. Gayatri, learned Civil Judge (Junior Division), Ambala, where the oldest civil case mentioned at Point further proceedings. Copy of this order be sent to all the concerned Courts for compliance. Transfer application file be consigned to the

record room after due compliance.”

However, some how once again some civil suits were segregated and allocated to different Courts. Learned District Judge, Ambala once again passed an order on 05.12.2016, which reads as under:-

“On this transfer application, counsel for respondents have endorsed their no objection. Heard. The two cases bearing No.318 of 2015; No.1676 of 2015 titled i.e. “Supindra Devi Vs. Chhattar Pal”, pending in the Court of Shri Udhay Partap, learned Civil Judge (Jr. Div.), Ambala and third case bearing No.3380 dated 30.09.2014 of the same title, pending in the Court of Ms. Neha Yadav, learned Civil Judge (Jr. Div.), Ambala are withdraw from their courts and transferred to the Court of Harsh Kumar Singh, learned Civil Judge (Jr. Div.), Ambala, where, connected two cases of the same titled bearing Nos.457 of 2015 and 779 of 2015 are pending for 21.12.2016. Both the parties through their counsel are directed to appear before Court of Shri Harsh Kumar Singh, learned Civil Judge (Jr. Div.), Ambala on 21.12.2016.

Copy of this order be sent to the concerned courts.

This file be consigned to record room after due compliance.”

Again due to administrative reasons, the civil suits were allocated to different Courts. Application was filed for transferring all the civil suits to one Court as per previous orders passed by the learned District

Judge, Ambala. However, learned District Judge, Ambala has rejected the application on the ground that certain cases are of action plan category and, therefore, it would disturb the proceedings.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the paper-book.

The orders dated 23.12.2015 and 05.12.2016 are not being disputed. Hence, the learned District Judge, Ambala clearly erred in dismissing the application filed for allocating all the cases to one Court.

Learned counsel for the respondents has pointed out that since it is a bunch of five cases, therefore, there would be delay in the trial. This Court has considered the submission, however, do not find any substance therein.

Keeping in view the facts and circumstances of the case, the order dated 19.08.2017 is set aside. Learned District Judge is requested to allocate all the five civil suits to the senior most Civil Judge. Learned Civil Judge is requested to make sincere endeavour to decide all the suits preferably within a period of one year from the date of receipt of certified copy of the order.

Parties through their counsel are directed to appear before the District Judge on 17.04.2018. The District Judge would fix the date for appearance of the parties before the Civil Judge after passing necessary order.

03.04.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No