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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 92 of 2018 (O/M)

Date of decision : 11.1.2018

Satyavir Sharma

..... Petitioner

Versus

M/s Mahaveer Packaging Industries and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. N.S. Bhardwaj, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Petitioner is aggrieved of the order dated 15.11.2017, passed by the learned Additional Civil Judge (Senior Division), Gurugram, vide which application, filed by respondent under Section 10 Civil Procedure Code, 1908, has been allowed.

Heard.

I have gone through the copies of complaints filed by both the parties. A suit was filed by M/s Mahaveer Packaging Industries through its proprietor Sunil Kumar Sharma in the year 2013, seeking declaration that his brother in law Satyavir Sharma is not the real owner, though the general power of attorney was executed in his favour regarding property in question and that he is the real owner having paid the entire money. In the year, 2015, Satyavir Sharma filed a suit against his brother in law that he is the real owner of property in question. Therefore, the second suit clearly attracts the provisions of Section 10 Civil Procedure Code, 1908. No relief has been claimed against Dayanand, real owner of property in question in the

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second suit, filed in the year 2015. As such, there is no illegality or infirmity in the impugned order. Instant revision is dismissed.

However, liberty is granted to present petitioner to make a cross claim in the suit filed by plaintiff in the year 2013. If such a cross claim is filed, the same shall be decided by the Court which decided the first suit, filed in the year 2013.

(KULDIP SINGH)
JUDGE

11.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No