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

CR No. 3859 of 2017 (O&M)
Date of Decision: 15.05.2019

Roshni Devi

-Petitioner

Vs

Smt. Sumitra and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harkesh Manuja, Advocate,
for the petitioner.

Mr. Bhupinder Singh, Advocate,
for respondents No.1 to 3.

RAJ MOHAN SINGH, J. (ORAL)

CM No.11015-CII of 2019

Prayer made in this application is for bringing on record the legal representatives of deceased-respondent No.4 Smt. Sarjo, who died on 17.08.2011.

Legal representatives of deceased-respondent No.4 Smt. Sarjo namely Roshni Devi, Parkasho Devi and Santosh Devi are already on record being petitioner and proforma respondents No.5 and 6.

For the reasons mentioned in the application, the same is disposed of, subject to all just exceptions.

Amended memorandum of parties is taken on record.

Main case

1. Petitioner has preferred this revision petition against the order dated 10.05.2017 passed by Additional Civil Judge (Senior Division), Panipat vide which the application for adjourning the case as *sine die* was dismissed.

2. In the backdrop of the litigation, it can be seen that Maha Singh suffered a civil Court decree in favour of his alleged wife Sumitra and sons namely Krishan Kumar and Navrattan. The said decree was assailed by the petitioner along with others in a civil suit for declaration and permanent injunction. The suit was dismissed by the trial Court, however, lower Appellate court accepted the appeal, against which RSA No.1764 of 2006 is pending in the High Court.

3. Thereafter, Maha Singh executed a Will in favour of his alleged wife and sons. Petitioner being one of the plaintiff challenged the same by way of second civil suit for declaration and the said suit is pending before the trial Court.

4. The core issue in both the litigation is whether the suit land is ancestral in nature. The land in question is the same. Decision of RSA shall be having binding effect on the parties. The matter in issue in both the litigation is directly and substantially the same.

5. Both the parties are litigating for the same land in both

the litigation but on the basis of different transactions i.e. civil Court decree and the Will.

6. In view of aforesaid position, it would be just and appropriate to direct the trial Court to adjourn the suit proceedings beyond the date of decision in RSA No.1764 of 2006.

7. Since, RSA is pending since 2006, therefore, it would be appropriate to direct listing of the appeal on some early actual date.

8. Resultantly, the revision petition is allowed. Impugned order dated 10.05.2017 passed by Additional Civil Judge (Senior Division), Panipat is set aside. The trial Court is directed to adjourn the suit proceedings till the decision of RSA No.1764 of 2006.

9. RSA No.1764 of 2006 is ordered to be listed for final disposal within three months.

15.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No