

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 229

CR-7099-2018

Date of decision : 17.10.2019

Capt. Uggar Singh

..... Petitioner

VERSUS

Bhagwat Parsad Gupta and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Sonia G. Singh, Advocate, for the petitioner.

Mr. Parminder Singh, Advocate, for respondents No. 1 and 2.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 25.09.2018, passed by the Civil Judge (Junior Division), Karnal (for short, the Trial Court), through which an application filed by the petitioner for clubbing of Civil Suit No. 157 of 2016 “*Bhagwat Parsad Gupta and another vs Chief Administrator and another*” (for short, the first suit) with Civil Suit No. 56 of 2017 “*Capt. Uggar Singh vs Bhagwat Parsad Gupta and others*” (for short, the second suit) has been dismissed.

The first suit being Civil Suit No. 157 of 2016 was filed by respondents No. 1 and 2 in which respondents No. 3 and 4 (for short, HUDA) were arrayed as defendants. The prayer in the suit was to declare letters dated 07.04.2015, 11.08.2015, 31.08.2015, 16.09.2015 and notice dated 29.06.2015 as null and void. Through such letters/notice respondents No. 3 and 4 (HUDA) had required respondents No.1 and 2 to demolish a part of the construction raised by them.

The second suit being Civil Suit No. 56 of 2017 was filed by the petitioner against respondents No. 1 to 2 (who are his immediate neighbourers) and respondents No. 3 and 4 (HUDA) for declaring certain construction raised by respondents No. 1 and 2 over a portion of House No.

186, Sector 8, Karnal from the ground floor to the first floor as illegal and against the norms set out by respondents No. 3 and 4 (HUDA). Consequential relief of mandatory injunction for issuance of a direction to respondents No. 3 and 4 (HUDA) to demolish the said construction had also been made.

In the first suit respondents No. 1 and 2 have sought for setting aside of letters/notice issued by the HUDA asking them to demolish the alleged illegal construction raised by them on the rear side of House No. 186, Sector 8, Karnal. In the second suit filed by the petitioner a prayer has been made by him to issue a direction to HUDA to demolish the aforesaid illegal construction made by respondents No.1 and 2. Thus, the subject matter of both the suits is the same and the prayers made therein are similar. Therefore, a decision in either of them would have a bearing on the other. However, since the parties in both the suits are not the same, no fault can be found with the order impugned in the present proceedings refusing to club both the aforesaid suits. However, in the above facts, it is desirable that both the aforesaid suits be decided by the same Court and be taken up for hearing one after the other especially when both the suits are at the stage of leading of plaintiff's evidence.

In view of the above, the present petition is disposed of with a direction to the District Judge, Karnal to post the aforesaid suits before the same Court and list them on the same date and direct such Court to take up these matters one after the other.

17.10.2019

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No