

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

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CR No.8309 of 2019

Date of decision : 22.01.2020.

Daljit Singh

... Petitioner

Versus

Bhupinder Singh

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jatinder Singla, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 18.10.2019 whereby the application of the petitioner for staying the proceedings in the suit has been dismissed.

Learned counsel for the petitioner contends that the application ought to have been allowed as the subject matter had been adjudicated upon and decided in another suit which is the subject matter of RSA No.2146 of 1994 and the same is pending adjudication before this Court. RSA No.2146 of 1994 had arisen out of suit which was filed by the plaintiff therein, namely, Dalip Singh s/o Santa Singh for declaration that he continued to be a co-sharer in possession as he had inherited the land from his father Santa Singh to the extent of 1/6th share and the sale deed executed by the defendants is fictitious.

In the instant case, the plaintiff, namely, Bhupinder Singh had preferred a suit for declaration to the effect that the plaintiff is the sole legal heir of Dalip Singh s/o Santa Singh and further declaration that the alleged Will bearing Vasika No.614 dated 27.09.1982 is null and void. The defendant in the instant suit, namely, Daljit Singh is not a party in the previous suit and

even otherwise, the subject matter appears to be different. Therefore, merely on the factum that the regular second appeal pertaining to another suit is pending adjudication before this Court would not entitle the petitioner to seek stay of suit.

Consequently, I do not find any illegality in the impugned order declining the application for staying the proceedings in the suit. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 22, 2020
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No