

2023:PHHC:119201

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

CR-1248-2017 (O&M)

Date of decision: 11.09.2023

Ram Gopal (since deceased) through LRs and others

..Petitioners

Versus

Moti Lal and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K.Yadav, Advocate for the petitioner

Mr. J.P.Sharma, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed by the applicants, who had filed an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') for impleading them as a party in a suit filed under Section 77 of the Indian Registration Act, 1908 (hereinafter referred to as '1908 Act'). Under Section 77 of the 1908 Act, a suit is maintainable before the civil court for direction to the Registrar to register the document in a case where Registrar refuses to order the document to be registered. Admittedly, another suit filed by the applicants against the respondents with respect to the same property is pending for the last 8 years, in which the civil court has directed the parties to maintain status quo regarding the possession.

2. After arguing at some length, the learned counsel representing the parties have come to a consensus. They pray that the proceedings in the civil suit and proceedings in the suit under Section 77 of the 1908 Act be clubbed together in order to permit the court to take a

comprehensive view of the matter. It has also been stated that the civil court may be requested to decide the suit within a period of six months.

3. This Court has considered the submissions made by the learned counsel representing the parties. The submission made by the learned counsel representing the parties appear to be the best solution in the facts and circumstances of the present case.

4. Keeping in view the aforesaid facts, the District & Sessions Judge, Narnaul is directed to transfer both the matters (civil suit filed by the applicants titled as 'Ram Gopal vs. Smt. Gayatri' pending in the court of Civil Judge (Senior Division) Narnaul and the proceedings under Section 77 of the Indian Registration Act, 1908) to one court with a request for the disposal of the same within a period of six months, after granting opportunities to the parties to prove their case.

5. Disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

11.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE