

CR-1009-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-1009-2023

Date of Decision: August 02, 2023

Satenderpal Singh @ Satinder Pal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ram Kumar Saini, Advocate,  
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General, Haryana,  
for respondent Nos. 1 to 6.

Mr. Mayank Garg, Advocate, for  
Mr. Udit Garg, Advocate,  
for respondent No. 7.

Mr. H.P.S. Ishar, Advocate,  
for respondent No.13.

SANJAY VASHISTH, J.

1. Petitioner – Satenderpal Singh @ Satinder Pal Singh, has filed present revision petition, challenging the order dated 07.11.2022 (Annexure P-7), passed by learned District Judge, Hisar, in Transfer Application No. 144, dated 26.09.2022, whereby application for clubbing/hearing of all the three appeals, detailed in the application, in one Court for disposal, was dismissed.

2. Facts in brief are that petitioner – Satenderpal Singh instituted a suit for declaration (Civil Suit No. RBT 163-C of 2014/17), seeking the relief of permanent injunction alleging that defendant Nos. 8 to 11 in collusion with defendant Nos. 1 to 7, carved out commercial market,

namely, 'Shri Vishavkarma Auto & Industrial Market', in residential area, on the land detailed in the plaint, situated at Uklana Mandi, District Hisar, and further carved out 36 shops in unauthorized manner. Petitioner/plaintiff further alleged that defendant Nos. 1 to 7 failed to initiate penal action against defendant Nos. 8 to 11 and the construction raised by them is liable to be demolished. Suit filed by the petitioner/plaintiff was dismissed by learned Trial Court vide judgment and decree dated 12.03.2019 (Annexure P-1). Assailing the judgment and decree dated 12.03.2019, petitioner/plaintiff filed Civil Appeal No. 150 of 2019 (Annexure P-2), which is stated to be pending in the Court of Shri Vivek Singal, Additional District Judge, Hisar.

3. Two more suits, i.e. (1) Civil Suit No. 359-C of 2013, titled as "Banarsi Dass and another v. Municipal Committee Uklana, District Hisar and another"; and (2) Civil Suit No. 1624 of 2014, titled as "Savitri Devi v. Municipal Committee Uklana, District Hisar and another", were also filed in respect of same very property. Both the said suits were also dismissed by learned Trial Court on 30.04.2016 and 19.07.2017, respectively, vide separate judgment and decree. Plaintiffs of the said suits also preferred Civil Appeal Nos. 318 of 2016 and 433 of 2017, in their respective cases.

Thus, all following three appeals were filed by different persons, including the present petitioner:

- (1) Civil Appeal No. 318 of 2016, titled as "Banarsi Dass v. Municipal Committee, Uklana, District Hisar and another" (pending in the Court of Shri Vivek Singal, Additional District Judge, Hisar);
- (2) Civil Appeal No. 433 of 2017, titled as "Savitri Devi v. Municipal Committee, Uklana, District Hisar and another" (pending in the Court of Shri Lokesh Gupta, Additional District Judge, Hisar);

- (3) Civil Appeal No. 150 of 2019, titled as “Satenderpal Singh v. State of Haryana and others” (pending in the Court of Shri Vivek Singal, Additional District Judge, Hisar).

4. Since all the aforementioned appeals were being tried and adjudicated by three different Presiding Officers/Courts, petitioner herein filed Transfer Application No. 144, dated 26.09.2022 (Annexure P-5), in the Court of learned District Judge, Hisar, for clubbing the aforementioned appeals in one Court.

5. Learned District Judge, Hisar, after hearing the parties, dismissed the said transfer application, vide impugned order dated 07.11.2022 (Annexure P-7), by observing that since all the three suits were decided by different Courts on different dates, the said cases cannot be clubbed in one Court. In para No. 7 of the impugned order, learned Court below has observed as under:-

*“7. After hearing learned counsel for the parties, this court is of the considered view that all the three suits have been decided by different court on different dates. Moreover, all the suits filed by the different plaintiffs and before the trial courts, these suits were going on separately and also decided by the different dates vide separate judgments. Therefore, it cannot be said that these cases are fit for clubbing in one court. Accordingly, present application for clubbing of cases in one court is dismissed. File of this application be consigned to the record-room after due compliance.”*

6. Learned counsel for the respective parties, who are present in the Court today, are *ad idem* on the issue that all the three suits were originally tried by different Courts, and no such request was made by any of the plaintiffs in the respective suits. It has also been admitted by respective learned counsel that all the three civil suits, as noticed above, were dismissed by way of separate judgments & decrees on different dates.

Thus, request for clubbing of the cases/appeals would not be possible, at this stage.

7. However, learned counsel for respective parties are in unison that there would not be any objection to anyone, if all the three appeals are adjudicated in one and the same Court though decided separately.

8. In view of the circumstances, this Court deems it appropriate that it would be in the interest of justice also, if all the three appeals, as detailed in paragraph No. 3 above, are adjudicated upon in one Court, but decided by way of three different judgments and decrees, after independently analyzing pleadings and evidences available on the files of each of the civil suits/appeals, in accordance with law.

9. Accordingly, present revision petition stands disposed of. Impugned order dated 07.11.2022, passed by learned District Judge, Hisar, is modified, to the extent that learned District Judge shall pass necessary orders for listing of the aforementioned civil appeals in one court of competent jurisdiction, for their decision in the above terms.

Registry is directed to forward a copy of this order to the Court of learned District Judge, Hisar, for information and compliance.

(SANJAY VASHISTH)  
JUDGE

**August 02, 2023**

Pk Kapoor

Whether Speaking/Reasoned: ✓YES/~~NO~~  
Whether Reportable: ✓YES/~~NO~~