



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

CR-3265-2022 (O&M)

Date of decision : 21.04.2025

Jai Parkash and others

...Petitioners

Vs.

**Dharamshala Dewan Mubarak Singh
Sahib Vaka Tirath Pindara and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arihant Jain, Advocate
Mr. Kanish Jindal, Advocate
for the petitioners.

None for respondent No. 1

Ms. Vibha Tewari, AAG, Haryana
for respondents No. 2 and 3.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the plaintiffs assail the correctness of trial Court's order passed on 17.02.2022 while staying the proceedings under Section 10 of the Code of Civil Procedure, 1908, as the previous suit filed by respondent No.1 with respect to the same property is pending.

2. In order to comprehend the issues involved in the present case, relevant facts, in brief, are required to be noticed.

3. Dharamshala Dewan Mubarak Singh Sahib Vaka Tirth Pindara filed a suit for possession of 179 kanals 17 marlas of land while asserting that the plaintiff is the owner of the property and the defendants were in possession of the same as tenants at will. However, they have not paid the amount of lease



money and the tenancy has been terminated by sending a legal notice dated 03.11.2006.

4. The defendants contested the previous suit. An application under Order 7 Rule 10 of the Code of Civil Procedure, 1908 was also filed, which was allowed by the trial Court returning the plaint. The First Appellate Court has reversed the order passed by the trial Court and restored the suit, against which, an appeal is stated to be pending.

5. The present suit has been filed by as many as four plaintiffs. Plaintiffs No. 1 and 2 are sons of Sh. Ram Singh, who is defendant No. 2 in the previous suit. Defendants No. 3 and 4 are sons of Sh. Satbir. Defendant No.3 is defendant No. 12 in the previous suit. In this suit, the plaintiffs claim that they are in possession of the property as tenants under defendant No.1 and they are entitled to get their names incorporated in the revenue record with consequential relief of permanent injunction restraining the defendants from changing the revenue entries. The trial Court found that substance of the dispute in both the suits is identical, hence, stayed the proceedings in the subsequent suit.

6. Learned counsel representing the petitioner contends that the plaintiffs are not a party to the suit and the issues culled out by the Courts in both the suits are different. He submits that the plaintiffs' suit is for final arguments, hence, the trial Court wrongly stayed the proceedings.

7. This Court has considered the submissions made by the learned counsel representing the parties.

8. It is evident that plaintiffs No. 1 and 2 in the present suit are children of defendant No. 2-Sh. Ram Singh in the previous suit. Plaintiff No.3



is defendant No. 12 in the previous suit. Plaintiff No. 4 is son of Sh. Rajbir, whereas, his mother, namely, Smt. Saroj, his three brothers and sisters are defendants in the previous suit.

9. Furthermore, the plaintiffs in the present suit claim to be tenants under defendant No.1. This is exactly the case of the plaintiff, namely, Dharamshala Dewan Mubarak Singh Sahib Vaka Tirth Pindara in the previous suit. The suit property is also the same.

10. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere with the impugned order passed by the trial Court.

11. Hence, the revision petition is dismissed.

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

21.04.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No