

(2014) 02 P&H CK 0142
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1133 of 2014

Bhupinder Singh	Vs	APPELLANT
Balwant Singh		RESPONDENT

Date of Decision : 13-02-2014

Acts Referred:

Citation : (2014) 2 RCR(Civil) 430

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Kulwant Singh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—After arguing for sometime and finding himself unable to persuade this Court to interfere in the matter, the learned counsel for the petitioner requests that he may be permitted to withdraw this petition. I reject the request. Cases are not expected to be filed casually before this Court without reflection and due thought paid before taking the final call to approach the High Court or not. When the parties approach this Court their rights asserted are to be adjudicated by making final orders declaring their rights one way or the other. We cannot apply the old proverb "That he who fights and runs away, lives to fight another day." in proceedings before this Court. Take the facts of this case, the learned District Judge, Moga has clubbed three suits to be heard by one Court and parties have been directed to appear before the transferee Court. In clubbing the three civil suits together, the learned District Judge, Moga has been through the judicial files of all the three suits and has found that it would be appropriate if they are tried and disposed of by one Court. The jurisprudential basis of decision making is to avoid conflict of decisions. The learned District Judge, Moga by his order dated 10th December, 2013 has averted such disaster and is correct in reasoning that they deserve to be clubbed. This revision petition has been filed for separation of cases and the order of the learned District Judge, Moga has been castigated as one which is illegal and passed with material irregularity. The

petitioner should have shown restraint in his choice of words while assailing the order. He should not have recklessly used such words in his challenge to the order. No litigant has a right to get his case heard by a particular court. Since I am dismissing this petition in limine, I retrain myself from subjecting the petitioner to heavy costs which ought to have been imposed. I would give him the benefit of doubt in seeking remedies and ill advice given by an officer of the court.

2. In any case, the impugned order does not settle, determine or step on any rights of the parties canvassed in the suits. It is an innocuous order and jurisdiction has been rightly exercised to club the cases together to be decided by one court.

Dismissed.