

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 620 of 2015

1. Nanku Ram S/o Somar Sai, Aged About 50 years Caste- Cherawa, R/o Village- Tendua,
Tehsil- Baikunthpur, District Sarguja, Now Korea (Chhattisgarh)

---- Petitioner

Versus

1. Devchandra Ram S/o Bhagwat Ram, Aged About 27 Years Caste-Cherwa, R/o Village-
Tendua, Tehsil-Baikunthpur, District-Sarguja, Now Korea (Chhattisgarh)
2. Anandram, S/o Bhagwatram, Aged About 28 Years Caste-Cherwa, R/o Village-Tendua,
Tehsil-Baikunthpur, District-Sarguja, Now Korea (Chhattisgarh)
3. State Of Chhattisgarh, Through Collector, Sarguja, Now Korea, District Korea
(Chhattisgarh)

---- Respondents

For Petitioner. : Shri Sanjay Patel, Advocate.

For Respondent/State. : Shri Vinod Tekam, Panel Lawyer.

Order On Board

04/08/2015

Heard.

1. This petition under Article 227 of the Constitution of India is directed against order dated 13.04.2015 by which petitioner/defendant's application for consolidation of suit has been rejected.

2. Learned counsel for the petitioner submits that the subject matter of the two suits

and the party are one and the same. Petitioner's second suit for declaration is based on a will. Therefore, present was a case where the Court ought to have allowed the consolidation to avoid conflicting decree.

3. The second suit has been filed by Nanku Ram who was defendant in the first suit. During the pendency of the first suit Nanku Ram sought to come out with a case that he succeeded to the property in dispute under a will, made in his favour by a coparcener in relations to the property in dispute. That application was rejected and petition against that order was also dismissed. It is only thereafter that Nanku Ram has filed new suit.

4. In view of the above, I find, that the Court below has committed no illegality in dismissing petitioner's application.

5. Accordingly, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita