

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

(1) CR No. 1485 of 2015 (O&M)  
Date of decision: March 2, 2015

|                            |        |                |
|----------------------------|--------|----------------|
| Gurmail Singh and another  | Versus | ...Petitioners |
| Inderjit Singh and another |        | ...Respondent  |

(2) CR No. 1500 of 2015 (O&M)

|                            |        |                |
|----------------------------|--------|----------------|
| Gurmail Singh and another  | Versus | ...Petitioners |
| Inderjit Singh and another |        | ...Respondent  |

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Harkesh Manuja, Advocate,  
for the petitioner.

**K. KANNAN, J. (Oral)**

(1) This order shall dispose of the above titled both the revision petitions.

(2) Civil Revision No. 1485 of 2015 is against the order of consolidation of two suits, admittedly between the same parties in respect of the very same subject matter containing reference to the same source of title. If there is any defect in the order, the defect is only that the suits of the year 2009 had begun independently with witnesses being examined and consolidation sought for belatedly. Normally before the trial in any suit begins, the consolidation shall be sought so that there is no need for duplication of evidence brought in one suit to be again begun in another. It

shall be possible for the parties to agree that the evidence could be recorded only in one suit which could be treated as evidence in the other suit. In this case, the petitioners' grievance is that in one suit, witnesses were won over and the evidence was not given and that evidence is sought to be given in another suit. It is precisely for this reason that it is always desirable that consolidation application should be filed before the commencement of the trial in either suits.

(3) Though the procedure adopted in allowing for parties to begin two suits independently is not proper and the court had allowed for application for consolidation later, I will not find this defect in procedure so serious as to require intervention in revision. On the other hand, even if such application has not been filed, the court itself ought to have ordered the consolidation, if the subject matter for adjudication in both the suits were literally the same. The petitioner cannot be taken to be seriously prejudiced by the consolidation order.

(4) The other revision (No. 1500 of 2015) is in relation to dismissal of the petition under Section 10 CPC. The application under Section 10 CPC by the petitioners itself is an admission of the fact relating to congruity of parties and points for consideration. Consistent with the order of consolidation, the petition under Section 10 CPC would only require dismissal. That was the manner dealt with by the trial court. There is no error in the order of the court below to adopt such a course.

Both the revision petitions are dismissed.

**March 2, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**

