

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1865 of 2013(O&M)
Date of decision : November 19, 2015

Bhajan Lal @ Kala and another

..... Petitioners

Versus

Balwant Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepali Puri, Advocate
for the petitioners.

Mr. Onkar Rai, Advocate
for respondent No.1.

Amit Rawal, J (oral).

The challenge in the present revision petition is to the order dated 28.2.2013 whereby the application filed by the petitioners for consolidation of three suits; one for permanent injunction filed by the petitioners-plaintiffs, second for declaration and injunction filed by the respondents-defendants and third by the petitioners-plaintiffs for declaration has been rejected.

Learned counsel appearing on behalf of the petitioners submits that since the suits pertain to the same piece of property between the same parties, though in third suit, State of Punjab is involved therefore it would be essential and necessary for consolidation of all the three suits in order to avoid any different finding. But this fact has not been noticed by the courts below while dismissing the application, instead of consolidation of the suits, vide impugned order all the suits have been transferred to one court.

Learned counsel appearing on behalf of the respondents submits that there is no illegality and perversity in the impugned order as the properties are also different.

I have heard learned counsel for the parties and appraised the paper book.

On going through the impugned order, it is found that it is fair, legal and justified for the reason that in case, all the suits are consolidated, one evidence has to be lead, however, there are three different suits filed on different cause of action, two suits are for declaration and one is for permanent injunction. In essence, single evidence in all the three suits cannot be permitted. Thus, the courts below have rightly exercised the discretion in transferring all the suits to one court in order to avoid different judgment and finding.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

November 19 , 2015
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