

CR-2528-2015 (O&M)

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

**CR-2528-2015 (O&M).
Decided on: April 10, 2015.**

Bholu Ram and others

..... Petitioners

Versus

Municipal Corporation, Gurgaon, and others

..... Respondents

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Kunal Dawar, Advocate,
for the petitioners.**

M.M.S. BEDI, J (ORAL).

Learned District Judge, Gurgaon, vide order dated 9.2.2015 has rejected the application for transfer of civil suit titled Gurmala Jain Vs. Bholu Ram and others from the Court of Ms.Aparna Bhardwaj, Civil Judge (Jr.Divn.), Gurgaon, to the Court of Ms.Manvika Banswal, Civil Judge (Jr.Divn.), Gurgaon, where the suit titled Bholu Ram Vs. Municipal Corporation, Gurgaon, regarding the same property and subject matter is pending. During the course of arguments, it has been brought to the notice of this Court that vide order passed by the then District Judge, Gurgaon, dated 22.4.2013, on the application filed by the petitioner, both the above said cases were ordered to be transferred to one Court taking into consideration the “no objection” of the parties.

It appears that after dismissal of the transfer application, an application under Order 1 Rule 10 CPC, was filed by

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the plaintiff to implead Gurmala Jain and Ms.Jaimala Jain, as parties in their suit titled Bholu Ram Vs. Municipal Corporation, Gurgaon but the said application was dismissed. A revision petition filed against the said order has also been dismissed by this Court on 30.3.2015 by passing a detailed order. It appears that the order passed by the predecessor of learned District Judge, Gurgaon dated 22.4.2013, could not be brought on record at the time of transfer application.

In view of said circumstances, this petition is disposed of with liberty to the petitioners to again approach the learned District Judge, Gurgaon with a copy of order dated 22.4.2013. In case such an application is filed within a period of one week, the learned District Judge, Gurgaon shall reconsider the decision for transferring both the cases to one Court in view of earlier decision in this context having already been taken by the District Judge, Gurgaon. It is made clear that it will always be the discretion of the trial Court to take up both the cases simultaneously or to decide the cases separately or to consolidate both the cases depending upon the facts and circumstances and taking into consideration the nature of the cases and the stage of both the cases. This order will not, in any manner, be read to presume that two suits involving similar property are to be consolidated.

April 10, 2015.
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(M.M.S. BEDI)
JUDGE