

CR-2532-2015 (O&M)

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

**CR-2532-2015 (O&M).
Decided on: April 10, 2015.**

Gobind Ram

..... Petitioner

Versus

Jaya Bansal

..... Respondents

*** * ***

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

**PRESENT Mr.Rakesh Nehra, Advocate,
for the petitioner.**

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

After hearing the counsel for the petitioner and going through the pleadings and nature of the suit titled Jaya Bansal wife of Parushottam Dass Vs.Gobind Ram, a suit for specific performance on the basis of agreement of sale dated 25.8.2008 and another case titled Gobind Ram Vs. Parushottam Dass, for specific performance of agreement dated 20.4.2008, and the order passed by the District Judge, dated 8.12.2012, transferring both the cases to one Court but not feeling it appropriate to consolidate them and the order dated 30.3.2015, passed by the learned Civil Judge (Sr. Divn.) Rohtak, refusing to consolidate the cases, I am of the opinion that it is always the discretion of the trial Court to either take up the two cases pertaining to the same property between the same/similar parties for proceedings and decision simultaneously or to keep the

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said cases segregated or to consolidate the same depending upon the factual situation and the comfort of the Court. The learned trial Court seems to have dismissed the application for consolidation of the two cases on the basis of the order dated 8.12.2012, wherein the learned District Judge had not passed any order permitting to consolidate the cases but had deemed it appropriate to send both the cases to one Court taking into consideration the similarity of the cases. No opinion is expressed by this Court whether both the cases should be consolidated but it is felt that even if both the cases are taken up simultaneously on similar dates, the interests of justice would be adequately met besides being convenient to the parties as well as the Court.

This petition is disposed of not interfering in the discretion of the trial Court in this aspect but it is ordered that in case the petitioner moves an application for adjudication/decision of both the cases simultaneously and taking up all the proceedings on similar dates, the learned trial Court will re-appreciate the factual and legal position and would reconsider the feasibility of taking up both the cases simultaneously for adjudication and deciding on the same day, in case deemed convenient for the Court as well as to the parties. It is further made clear that in case the trial Court is convinced that issues involved in the both the cases are same to an extent that consolidation would be convenient, it will be open to the said Court to consolidate both the cases irrespective of order dated 8.12.2012

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wherein the learned District Judge has already ordered both the cases to be taken up together but had not passed any specific order regarding consolidation. In case any such application is filed, the same will be decided within a period of one month.

April 10, 2015.
rka

(M.M.S. BEDI)
JUDGE