

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3271 of 2014
Date of Decision: 20.07.2015

MUKTA ARORA AND OTHERS

.....Petitioners

VERSUS

MANU PROPERTIES PVT. LTD AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashok Tyagi, Advocate
for the petitioners.

Mr. Sanjay Vij, Advocate
for respondent No.1.

RAJESH BINDAL J. (ORAL)

The petitioners have filed the present petition in this Court impugning the order dated 03.04.2014 passed by the learned Court below whereby they have been declined permission to file written statement, despite the fact that they have been impleaded as defendants later on.

The contention is that the petitioners having been impleaded as defendants in the suit filed by respondent No.1, later on they have right to file independent written statement.

At the time of hearing, it transpired that there is another suit filed by the petitioners titled as “***Mukta Arora and others Vs. Manu Properties Pvt. Ltd and another***” for declaration and injunction. It is not in dispute that the suit property in both the cases is same. The plea which is sought to be raised by the present petitioners in defence in the suit in question is same which has been raised by them in the suit separately filed.

The present suit is nearing conclusion whereas the suit filed by the

petitioners in May 2014 is at the stage of evidence of the plaintiffs. The next date of hearing is stated to be 03.09.2015. This suit is pending in the Court of Sh. Rajesh Kumar Yadav, Additional Civil Judge, Senior Division, Sohna whereas the suit in question in the present petition is pending in the Court of Sh. Mahendra Singh, Civil Judge, Junior Division, Sohna.

Learned counsel for respondent No.1 did not dispute the fact that the suit property involved in both the suits is same.

After hearing learned counsel for the parties and considering the fact that two suits between the same parties are pending where the issues under consideration are regarding the same property. No doubt the proceedings in the suit in question in the present petition have concluded and the other suit filed by the petitioners is at the initial stage, however, still considering the fact that the suit property and most of the parties to the litigation are same and the rights of the parties will be dependant on the decision in either of the suits, it would be appropriate that both the suits are taken up and decided together.

The evidence in the present suit has already been led. The other suit filed by the petitioners is stated to be pending for 03.09.2015 for evidence of the petitioners/plaintiffs.

As the present suit is old, the proceedings in the other suit filed by the petitioners will have to be expedited and both the suits have to be entrusted to one Court. The date of hearing in the suit titled as ***Mukta Arora and others Vs. Manu Properties Pvt. Ltd and another*** is preponed from 03.09.2015 to 31.07.2015. The case will remain fixed for the evidence of the plaintiffs therein. The plaintiffs in the suit filed at ***Mukta Arora and others Vs. Manu Properties Pvt. Ltd and another*** shall conclude their

evidence upto September 30, 2015. The dates of hearing shall be fixed by the Court below in between that period. If assistance of Court for summoning of witnesses is required, the same shall be provided.

Thereafter, the defendants in the aforesaid suit shall conclude their evidence upto November 30, 2015.

As the evidence in the suit in question titled as ***Manu Properties Pvt. Ltd Vs. Vidya Devi and others*** has already been concluded, and the case is fixed for arguments, only because of pendency of the other suit, no further application by any party shall be entertained.

As the suit titled as ***Manu Properties Pvt. Ltd Vs. Vidya Devi and others*** is pending in the Court of Sh. Mahendra Singh, Civil Judge, Junior Division, Sohna and the suit titled as ***Mukta Arora and others Vs. Manu Properties Pvt. Ltd and another*** is pending in the Court of Sh. Rajesh Kumar Yadav, Additional Civil Judge, Senior Division, Sohna, with a view to entrust both the suits to one Court, it is directed that the suit titled as ***Manu Properties Pvt. Ltd Vs. Vidya Devi and others*** which is pending in the Court of Sh. Mahendra Singh, Civil Judge, Junior Division, Sohna shall stand transferred to the Court of Sh. Rajesh Kumar Yadav, Additional Civil Judge, Senior Division, Sohna and both the suits shall be fixed on same date of hearing. After conclusion of proceedings in later suit, arguments in both the suits shall be heard together by the Court and endeavour shall be made to dispose of the same by the end of year 2015.

The present petition is disposed of, accordingly.

(Rajesh Bindal)
Judge

20.07.2015

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