

CR-4501-2015 (O&M)

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

**CR-4501-2015 (O&M).
Decided on: July 20, 2015.**

Ishwar Singh and others

..... Petitioner(s)

Versus

Kanta Rani and others

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Fateh Saini, Advocate,
for the petitioners.**

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

Vide impugned order dated 1.5.2014, Annuxure A2, an application filed by the petitioner before the Addl. Civil Judge (Sr. Divn.), Kharar, for clubbing two civil suits pending before different Courts has been dismissed.

Counsel for the petitioner has relied upon judgment in case **M/s Chitivalasa Jute Mills Vs. M/s Jaypee Rewa Cement, AIR 2004, SC 1687**, to contend that in the exercise of inherent powers under Section 151 CPC, two suits can be consolidated by a Court. There can be no dispute regarding the said proposition of law.

This petition is disposed of with liberty to the petitioner to file an application under Section 24 CPC before the District Judge for transfer of both the cases to one Court. In case the District Judge is of the opinion that both the cases deserve to be

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transferred to one Court, the said application may be allowed with further liberty to the petitioner to move an application before the Court concerned for consolidation of the suits. It will be open to the Court to either take up both the cases simultaneously for adjudication depending upon respective stage of both the cases or to consolidate the same in case it is deemed appropriate, in the interest of justice by using its discretion.

July 20, 2015.
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(M.M.S. BEDI)
JUDGE