

CR-4530-2015 (O&M)

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

**CR-4530-2015 (O&M).
Decided on: July 21, 2015.**

Zile Singh deceased through LRs

..... Petitioner(s)

Versus

Rohtash and others

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Navneet Singh, Advocate,
for the petitioner.**

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

Counsel for the petitioner has submitted that plaintiff-respondent Nos.1 & 2 have filed three separate suits for specific performance first against the predecessor-in-interest of Zile Singh, second against respondent Nos.3 & 4 and third suit against respondent No.5. All the three suits of the plaintiffs have been decreed by the trial Court. Three appeals have been filed by the petitioners-defendants and respondents Nos.3 to 5 separately.

The property in dispute falls in the same khewat and the agreement of sale is also of the same date and the issue of readiness and willingness of the plaintiff in all the three cases is the same on the date of execution of the sale deed which is stated to be the same in all the three suits.

In view of said circumstances, it appears that there

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is similarity in the suits and contradictory findings deserve to be avoided. It is further submitted that the defendants in two cases i.e. respondent Nos. 3 to 5 do not have any objection to the transfer of the cases to one Court to avoid contradictory findings, in the appeal.

Counsel for the petitioners submits that he does not press for consolidation of the appeal, however, the same may be ordered to be taken by one Court on same dates.

In view of above, impugned order dated 26.3.2015 Annexure P5, is hereby set aside.

This petition is disposed of with a direction to the District Judge, Sonapat, to reconfirm the said facts by perusing the appeal files of all the three cases and form a fresh opinion for transfer of the case to one Court for adjudication leaving it open to the said Court to either take up the appeals simultaneously or separately as deemed appropriate. The above said exercise will be done by taking up the transfer application again on 1.8.2015, by the District Judge, Sonapat.

July 21, 2015.
rka

(M.M.S. BEDI)
JUDGE