

213

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

**CR No.5089 of 2013 (O&M)
Date of decision: July 14, 2015**

Om Parkash and another

.....Petitioners

Versus

Smt. Sanehlata and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.N. Pillania, Advocate
for the petitioners.

None for the respondents.

SABINA, J

Petitioners have filed this petition challenging the order dated 04.07.2013 (Annexure P-5), whereby, application moved by the petitioners for consolidation of Civil Suit No.385C dated 16.07.2012 titled as Saneh Lata and others vs. Smt. Bimla and others and Civil Suit No.525-C dated 11.09.2012 titled as Om Parkash and another vs. Sanehlata and others, was dismissed.

Learned counsel for the petitioners has submitted that petitioners have filed suit for declaration challenging the Will dated 29.05.2008 and mutation No.2669 dated 28.06.2012 sanctioned on the basis of the said Will. Respondents have filed suit for possession by way of partition placing reliance on mutation No.2080, 2174, 2410, 2629 and 2669. Since the mutation No.2269 was also under challenge

in the suit filed by the petitioners, it was necessary in the interest of justice to consolidate both the suits.

None has appeared on behalf of respondents.

In the present case, mutation No.2669 dated 28.06.2012 sanctioned on the basis of Will dated 29.05.2008 has been challenged by the petitioners by filing Civil Suit No.525-C dated 11.09.2012 titled as Om Parkash and another vs. Sanehlata and others, whereas, respondent Nos.1 to 5 have filed suit for possession by way of partition bearing No.385-C dated 16.07.2012 titled as Saneh Lata and others vs. Smt. Bimla and others placing reliance on mutations including mutation No.2669. In view of this factual background, it would be just and expedient to consolidate both the suits to avoid any contradictory judgments.

Accordingly, this petition is allowed. Civil Suit No.385C dated 16.07.2012 titled as Saneh Lata and others vs. Smt. Bimla and others and Civil Suit No.525-C dated 11.09.2012 titled as Om Parkash and another vs. Sanehlata and others are ordered to be consolidated.

**(SABINA)
JUDGE**

July 14, 2015

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