

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

Civil Revision No.7142 of 2014 (O&M)

Date of decision: 25.05.2015

Life Insurance Corporation of India

... Petitioner

versus

Shri S.K. Lohan and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Akshay Jain, Advocate,
for the petitioner.

Mr. Arvind Sachdeva, Advocate,
for the respondents.

K.Kannan, J. (*Oral*)

1. Impleadment sought through CM No.10770-CII of 2015 is ordered. Registry to carry out amendment in the memo of parties. I dispense with notice to respondents in a peculiar situation where the attempt is now only to expedite the trial by consolidation of several suits filed before the same court and no prejudice could be caused by such consolidation and more so for the reasons which are set forth as under.
2. The consolidation is sought in respect of several suits filed by LIC against the several defendants on a plea that two of the employees of LIC had been mis-utilizing the remittances made by

customers in the name of several of their relatives but the prayer has been rejected.

3. The order is wrong and it should have been possible for the plaintiff to even file a single suit in the light of language under Order 1 Rule 3 CPC that allows for all the persons to be joined in one suit as a defendant where the reliefs sought are in respect of the same act or transactions or series of acts or transactions against such persons whether they are liable jointly, severally or in the alternative and if separate suits were to be brought, common questions of law and fact would arise. If the plaintiff has chosen to file independent suit which is also possible since the reliefs are several, it would subserve the ends of justice that all the suits are tried together and the evidence in one suit is taken as evidence in the other. It will enable quickness in trial, apart from needless duplication of evidence in each case when especially the contention is that the actions of two of the employees themselves constitute the cause of action in each suit and surely common questions of law and fact would arise. The order passed by the court below is set aside and the revision petition is allowed.

(K.KANNAN)
JUDGE

25.05.2015
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