

CR No.7144 of 2014 (O&M)

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

**CR No.7144 of 2014 (O&M)
Date of decision:05.02.2015**

Lehmber Singh

...Petitioner

Versus

Ajit Singh and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Naresh Prabhakar, Advocate,
for the petitioner.

Mr. G.S.Pannu, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

On the last date of hearing, the following order was passed by
this Court:-

“This revision petition is directed against the order
dated 3.9.2013 by which an application filed by
defendants No.2 to 4 for consolidation of the suits has
been allowed.

The facts given to me are that Civil Suit No.63
dated 15.6.2007 was filed by Jasbir Singh against
Lehmber Singh and others seeking specific performance
of an agreement to sell dated 15.1.2006. Lehmber
Singh/petitioner admitted the case of the plaintiff-Jasbir

Singh. Lehmber Singh/petitioner also filed a suit bearing No.775 dated 26.9.2009 against Ajit Singh for declaration and permanent injunction which after transfer is numbered as Civil Suit RT No.146 of 5.4.2011 titled as Lehmber Singh Vs. Ajit Singh and others. It is a suit for permanent injunction challenging the validity of two sale deeds executed in favour of Manjit Kaur and Joginder Kaur. Lehmbar Singh has alleged that he has not given any power of attorney to Ajit Singh to execute the sale deeds of his property in favour of the said two ladies. In both the suits, separate issues have been framed.

On 3.9.2013, the trial Court ordered the consolidation of both the suits No.63 and 775 treating suit No.63 as a lead case. Evidence has been recorded in the lead case. Impugned order dated 3.9.2013 was sought to be recalled by the petitioner by filing an application under Sections 151 and 153 of the CPC. The said application was dismissed on 29.3.2014. The petitioner then filed CR No. 5176 of 2014 which was dismissed by this Court on 12.8.2014. Hence, the present revision petition has been filed to challenge the order dated 3.9.2013.

Learned counsel for the respondents has informed

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the Court that the case is now fixed for 6.2.2015 for arguments on the application for additional evidence.

Learned counsel for the petitioners is directed to produce past 10 zimini orders for perusal of the Court.

Adjourned to 5.2.2015.”

Today, learned counsel for the petitioner has produced the *zimni* orders, as directed, from which I have found that the case has been listed continuously by the trial Court for rebuttal evidence and arguments. Thus, at this fag end of the suit, the application filed by the petitioner cannot be allowed in which he has prayed that he may be given opportunity to prove his case separately by leading evidence.

Resultantly, the present revision petition is hereby dismissed.

February 05, 2015
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(**Rakesh Kumar Jain**)
Judge