

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

**CR No. 2827 of 2013 (O&M)
Date of decision: 12.01.2016**

M/s Essel Housing Projects Pvt. Ltd.

... Petitioner.

versus

Ranbir Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Alok Mittal, Advocate, for the petitioners.

Mr. Sumeet Jain, Advocate for

Mr. Amit Jain, Advocate, for the respondents.

K.Kannan, J. (ORAL)

Both the suits are sought to be consolidated and a prayer in that regard is made through this revision petition. The revision petitioner is the plaintiff in the suit for specific performance of an agreement alleged to have been executed by the 1st defendant, Parmeshwari Devi on 08.03.2004. The contention is that he was already a lessee of the property and later an agreement of sale has been made. The 1st defendant has filed an independent suit against the petitioner who is the plaintiff in the earlier suit contending that she has not entered into any agreement of sale and he is only a lessee of the property. The suits appear to be at different stages of trial. It shall be impermissible to allow for independent adjudication in respect of these two cases for a decision in one is bound to affect the other. If the suit for specific performance was to be decreed holding that agreement is true the suit for recovery of possession by 1st defendant become meaningless. If the suit filed by the 1st defendant for recovery of possession on the basis that the plaintiff is only a lessee and that the agreement of sale is not true is decided in favour of the defendant in the

suit filed by her, the suit for specific performance filed by the plaintiff would become meaningless. In either case, the decision in one is bound to effect the other.

Both the suits are ordered to be consolidated together and having regard to the fact that the suit for specific performance is earlier in point of time, I direct that the evidence will be recorded in the suit for specific performance. The evidence recorded already will not be replicated and the evidence in the suit for specific performance will be concluded and the evidence will be given also in the suit for recovery of possession filed by the vendor defendant in respective turns. The Court shall ensure that no part of evidence is rendered otiose and it shall reconstruct the file in such a way that there is no confusion in the process to dispose of the case.

Counsel for the respondent vendor states that the suit for specific performance has come to the stage of argument. The arguments will not be heard till the conclusion of evidence in the suit for recovery of possession and arguments will be heard together and disposed of by a common judgment.

The civil revision petition is disposed of.

(K.KANNAN)
JUDGE

12.01.2016

kv