

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

CR No. 3343 of 2016

Date of decision :11.05.2016

Gurdial Singh

..... Petitioner

Versus

Pawan Kumar

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Amandeep Singh Manaise, Advocate
for the petitioner.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred by the petitioner-plaintiff against the order dated 19.04.2016, passed by the learned Civil Judge (Junior Division), Gurdaspur, vide which the application moved by the petitioner-plaintiff for consolidation of the suit for declaration Civil Suit no. 311 dated 20.12.2013 titled as 'Gurdial Singh Vs. Pawan Kumar with suit for recovery Civil Suit no. 20, dated 04.02.2016, titled as 'Pawan Kumar Vs. Gurdial Singh, has been declined.

2. Learned counsel for the petitioner contended that both the suits are based on the alleged compromise dated 14.11.2013. The petitioner-plaintiff has filed the suit for declaration to challenge the said compromise dated 14.11.2013 and defendant Pawan Kumar has filed the suit for recovery on the basis of said compromise dated 14.11.2013. Thus, he contended that in both the suits, the question for adjudication is about the validity of the compromise dated 14.11.2013. So, in order to avoid the conflict findings, both the suits should have been consolidated.

3. I have duly considered the aforesaid contentions.

4. It appears that by moving the present application, the plaintiff wants to stall the proceedings and delay the disposal of the suit for declaration. He has filed the suit for declaration bearing civil suit no. 311 of 2013 on 20.12.2013. Defendant-respondent has filed the written statement on 23.07.2014. Thereafter, he moved certain miscellaneous applications for injunction and production of documents, which were dismissed. It appears that the evidence of the plaintiff has already been closed. When the case was fixed for defendant evidence, he again moved the application for production of document, which was again dismissed by the learned trial Court. After that the present application has been moved. Defendant has already closed his evidence. So, the suit for declaration filed by the petitioner has already matured

and is at the final stage. The suit for recovery filed by the defendant against the petitioner is at the stage of filing the written statement and will take considerable long time to mature in recording the evidence of the parties. So, it will not be proper to stall the proceedings of the suit for declaration by consolidating the suits. The findings of the Court with respect to the validity or otherwise of the compromise dated 14.11.2013 between the parties in the suit for declaration will certainly have a bearing on the rights of the parties. If, the suit for declaration is decided in favour of the plaintiff-petitioner, he can certainly take the benefit of the said finding in the suit for recovery.

5. Consequently, I do not find any illegality in the impugned order passed by the learned trial Court.

6. Thus, the present revision petition having no merits, is hereby dismissed.

11.05.2016

S.khan

(DARSHAN SINGH)
JUDGE