

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

Civil Revision No.3591 of 2015

Date of decision: December 16, 2016

Chinto alias Malkiat Kaur (deceased)
through her LRs Karam Singh & another

...Petitioner(s)

Versus

Smt. Rajinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Namit Gautam Advocate for the petitioner(s).

Mr. Kanwal Goyal, Advocate for the respondent.

Rajan Gupta, J.

Present revision petition has been preferred by the petitioner against the order dated 20.01.2015, passed by the trial court, whereby application filed by the plaintiff (now represented by her LRs i.e. petitioners) under Section 151 CPC for consolidation of the suit with the suit titled as “Chinto Vs. Mohinder Kaur”, has been dismissed.

Learned counsel for the petitioners has assailed the order. He has submitted that impugned order is unsustainable. According to him, inheritance of Hira Singh son of Sher Singh is in dispute in suit titled as “Chinto Vs. Mohinder Kaur”, in which the property in the present case is the same as is involved in that suit. In the said suit, defendant Rajinder Kaur has been ordered to be impleaded as party to the suit. He has further submitted that common questions of law and fact are involved in both the cases and thus, both the suits require to be

consolidated.

Prayer has been opposed by learned counsel appearing for the respondent. He has submitted that plaintiff/petitioner had no right or title in the suit property as mutation of inheritance of Pritam Singh was sanctioned in favour of the defendant/respondent by virtue of registered Will. Even defendant/respondent has no information regarding the suit filed by Chinto, now represented by petitioners.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, Chinto alias Malkiat Kaur, now represented by the petitioners, filed a suit for declaration to the effect that she was owner in possession of the land measuring 307 Kanals 13 Marlas, situated in village Bhukhri Khurd, District Ludhiana as detailed in the plaint. In the suit, Will alleged to have been executed by Pritam Singh as well as mutation No.1334 have been challenged. Further prayer for perpetual injunction restraining the respondent/defendant from interfering in the possession of the plaintiff was also made. Plaintiff Chinto also filed a civil suit for declaration regarding 336 Kanals 5 Marlas of land situated in village Bhukhri Kalan, District Ludhiana, challenging decree dated 24.9.1994, passed in Civil Suit No.23 of 1991. In that suit, petitioners moved an application U/O 1 Rule 10 and Order 6 Rule 17 read with Section 151 CPC for impleading Rajinder Kaur (respondent herein) as party, which was allowed by the trial court on 14.02.2013. During pendency of the suit, petitioner filed instant application under Section 151 CPC for consolidation of the two suits, which has been dismissed by

the trial court vide order dated 20.01.2015. Counsel for the petitioners has not been able to convince this court that trials of two suits need to be consolidated. In view of nature of litigation involved, it would be appropriate that both the suits are tried separately. Prayer has been rejected by the court below. Thus, no interference in revisional jurisdiction of this court is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

December 16, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No