

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

CR No.4829 of 2016

Date of decision :02.08.2016

Gurpal Singh

.....Petitioner

Versus

Harpal Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. H.R.Bharadwaj, Advocate
for the petitioner.

Mr. Manish Kumar Singla, Advocate
for the respondent.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 12.07.2016 passed by the learned Additional Civil Judge (Sr. Division), Sunam, vide which the application moved by the petitioner for clubbing two suits titled as 'Harpal Singh Vs. Gurpal Singh' and 'Janeja Grain Merchant Through Sole Prop. Mukesh Kumar Vs. Gurpal Singh and others', has been dismissed.

2. Learned counsel for the petitioner contended that both the suits have been filed by the plaintiffs for specific performance of the agreement to sell with respect to the same

property. Petitioner is the defendant in both the suits. He contended that earlier both the suits were pending in different Courts, but the same were transferred to one Court with a view to consolidate the suits. Thus, he contended that in order to avoid the conflict judgments, both the suits should have been consolidated. To support his contentions, he relied upon cases **Mangali Satukuri Anjaiah Vs. Nethi Rajaiah and another 2003(2) ALT 665** and **Parimi Venkata Rao Vs. P.A.V.V.T. Jagapathiraju and others 1984(1) ALT 66**.

3. On the other hand, learned counsel for the respondents contended that there is collusion between the petitioner and Janeja Grain Merchant, which is evident from the fact that in that suit filed by Janeja Grain Merchant, no evidence has been produced by the plaintiff in-spite of availing 18 opportunities. He further contended that the suit filed by the respondents is at the final stage. He further contended that no prejudice is going to be caused to the petitioner if the suits are separately tried and decided.

4. I have duly considered the aforesaid contentions.

5. Learned counsel for the petitioner has not been able to show as to what prejudice is being caused to the petitioner who is defendant in both the suits by trial of both the suits separately. At this stage, it cannot be expected that there will be contradictory judgments. Moreover, if any such contradictory decree is passed that may effect the rights of the

plaintiffs and not that of the petitioner-defendant.

6. Moreover, both the suits are at the different stage. The suit titled as Harpal Singh Vs. Gurpal Singh is fixed for final arguments. Whereas the suit filed by M/s Janeja Grain Merchant is yet fixed at the stage of plaintiffs evidence and there is no denial to the fact that in-spite of availing 18 opportunities, the plaintiff- M/s Janeja Grain Merchant has not concluded the evidence, which is very surprising as in a suit for specific performance the plaintiff is always in hurry to get the suit decided as he is not going to gain anything by prolonging the case. If, both the suits are clubbed/ consolidated, the disposal of the suit titled as 'Harpal Singh Vs. Gurpal Singh' will also be delayed. Consequently, cases relied upon by learned counsel for the petitioner has no application to the facts of the case.

7. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

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

02.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No