

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

Civil Revision No.599 of 2015 (O&M)
Date of decision: August 30, 2016

Dalwinder Singh

...Petitioner

Versus

Sarwan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.
Mr. Jai Bhagwan, Advocate for the respondent.

Rajan Gupta, J.

Present revision petition is directed against the order dated 21.11.2014, passed by the trial court, whereby application for consolidating of two suits has been dismissed.

Learned counsel for the petitioner has assailed the order. He submits that approach of the trial court is erroneous and against law. According to him, suit for possession was filed by the respondent on 21.4.2010, whereas suit for specific performance of the same property was filed by the petitioner on 6.10.2012. Thus, both the suits need to be consolidated in order to avoid contradictory findings. He has relied upon judgment of this court rendered in *Krishna vs. Smt. Santosh and others, 2014 (1) PLR 490*.

Learned counsel for the respondent has opposed the plea. According to him, second suit was filed by the respondent after two years

on different cause of action and witnesses of respondent are also different. Moreover, in the earlier suit, proceedings are at the fag end.

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

It appears, a second suit was filed after two years of the first one and nature of both is different. Proceedings are nearing culmination in the suit filed earlier in time. Stand of the respondent is that even most of the witnesses would not be the same as in the earlier suit. Thus, no ground is made out for clubbing of the suit. Judgments in *Krishna's case (supra)* cannot help the petitioner. I find no infirmity with the order passed by the court below. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 30, 2016
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No