

Civil Revision No.6658 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.6658 of 2016

Date of Decision: 4.10.2016

Shree Durga Mata Mandir Society and another

--- Petitioners

versus

Rajesh Mehra

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Gobind Korla, Advocate
for the petitioner**

Rekha Mittal, J.

By invoking Article 227 of the Constitution of India, the present petition directs challenge against order dated 18.7.2016 passed by the Civil Judge (Junior Division), Ludhiana dismissing application filed under

Section 151 of the Code of Civil Procedure (in short “CPC”) for consolidation of the suits.

Counsel for the petitioners has submitted that as subject matter of the two suits titled “Shree Durga Mata Mandir Society vs. Shri Durga Mata Mandir Committee” and “Shree Durga Mata Mandir Society vs. Rajesh Mehra” is the same, consolidation of the suits would avoid passing of conflicting judgments and save lot of energy, time and money of all the stakeholder. It is further submitted that it would also save precious time of the Court as evidence would be recorded in one of the cases.

I have heard counsel for the petitioners and perused the paper book particularly the order impugned.

The trial court has noticed that the suit titled “Shree Durga Mata Mandir Society vs. Rajesh Mehra” for grant of permanent injunction restraining the defendant from interfering in peaceful management of the plaintiff-society/temple was instituted on 22.8.2009, issues have been framed and the matter is pending for plaintiff's evidence whereas in the other suit filed on 7.10.2013, written statement on behalf of defendants is yet to be filed and the case is pending for arguments on application filed under Order 7 Rule 11 CPC. The trial court by relying upon judgment of

this Court *Om Parkash vs. Siri Bhagwan and others 2014(4) RCR(Civil) 533* has held that the application is devoid of merit and the same is dismissed. Keeping in view the different stages at which the suits are pending, I do not find any reason to interfere in the discretion exercised by the trial court refusing to consolidate the two suits in the face of situation that the second suit is at the initial stage and the parties have not even completed their pleadings.

For the foregoing reasons, the petition is dismissed.

(Rekha Mittal)
Judge

4.10.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No