

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

**CR No.7685 of 2016
Date of decision : 16.11.2016**

Rohtash

.....Petitioner

Versus

Roshan and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sudhir Aggarwal, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 07.10.2016 passed by the learned Civil Judge (Junior Division), Gurgaon whereby the two suits have been ordered to be consolidated.

2. Learned counsel for the petitioner contended that the petitioner has filed the suit for permanent injunction against the respondents restraining them from raising any construction or changing the nature of the suit property without getting it partitioned. Respondents also filed the suit for declaration with consequential relief of permanent injunction with respect to the same property.

3. Learned counsel for the petitioner contended that the nature of both the suits was different as the suit filed by the petitioner was simply for permanent injunction, whereas the respondents have filed the suit for declaration. He further contended that the petitioner had filed the suit on 16.12.2010. The respondents have filed the written statement in the year 2011. The respondents have filed the suit when the suit filed by the petitioner was

fixed at the stage of the plaintiff evidence. He further contended that the application for consolidation of the suits was filed after more than three years. Thus, he pleaded that the impugned order is bad in law.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that the parties in both the suits are the same. The subject matter of the suit *i.e.* the property involved therein is also the same. The petitioner has filed the suit for permanent injunction claiming himself to be a co-owner/co-sharer in joint possession of the disputed property to the extent of 92/120 shares. He has alleged that his sisters Smt.Tejo relinquished her share to the extent of 56/480 in his favour vide release deed dated 11.08.2008. Respondents No.1 to 3 Roshan and others in their suit has challenged the titled of the petitioner to the extent of 92/120 share as claimed by him. They pleaded that in fact he is entitled to 60/120 share. Thus, the findings in one suit will certainly effect the result of the other suit. In that situation, in order to avoid the conflict findings and to save the time of the Court as well as the parties, it is always better to consolidate such suits.

6. Thus, I do not find any merits in the present revision petition and the same is hereby dismissed.

16.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No