

In the High Court of Punjab and Haryana at Chandigarh

**TA No. 312 of 2013 (O&M)
Date of Decision: February 15, 2016**

Madhu Mittal and others

... Applicants

Versus

Gopal Mittal and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Arvind Rajotia, Advocate,
for the applicants.

Mr. Atamjit S. Thind, Advocate,
for respondent No.1.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant transfer application has been filed under Section 24(1) read with Section 151 C.P.C. for transferring the Civil Appeal No. 20 of 2013 titled as “Madhu Mittal and others vs. Gopal Mittal and others”, pending in the Court of learned Additional District Judge, Panchkula to the court of competent jurisdiction at Patiala.

I have heard learned counsel for the parties and perused the record.

Perusal of the record shows that two suits were filed by respondent no.1. One civil suit bearing No. 104 of 2007 titled “Gopal Mittal vs. Madhu Mittal and others” for partition of Plot No. 561, Sector 8, Panchkula and permanent injunction was filed before learned Civil Judge (Junior Division), Panchkula and the second civil suit bearing No. 411T/09

titled “Gopal Mittal vs. Madhu Mittal and another” for possession of the portion of House No. 664/2, situated at Gher Sodhian, Patiala was filed before learned Civil Judge (Junior Division) Patiala. Both the suits are different and have been tried by different Courts. No application was moved by the respective parties for consolidating the aforementioned suits. Once the parties have led their evidence separately in both the suits and the Courts have considered the evidence and decided both the suits individually, no question of consolidating the respective appeals arising from the civil suits, at this stage, arise.

In view of above, no ground for transferring the appeal is made out.

Dismissed.

February 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge