

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 55 of 2016**

Paras Vanaspati Pvt. Ltd. A Company Registered Under The Provisions Of Company Act, 1956 Having Its Registered Office At 21/360 Ganj Para, Raipur, Chhattisgarh, Through Its Director Shri Hemendra Sangoi.

---- **Petitioner**

Versus

1. Chhattisgarh State Minor Forest Produce (T&D) Co-operative Federation Limited , Having Its Registered Office At A-25, V I P Estate, Khamardih, Shankar Nagar, Raipur, Chhattisgarh, Through Its Managing Director.
2. Chhattisgarh State Minor Forest Produce (T & D) Cooperative Federation Limited, Upper Ghat Unit 6, District Union, Jashpur, District Jashpur, Chhattisgarh, Through Its Managing Director.
3. State Of Chhattisgarh, Through The Principal Secretary Department Of Forest, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Raipur, Chhattisgarh.

---- **Respondents**

Transfer Petition (C) No. 56 Of 2016

Paras Vanaspati Pvt. Ltd. A Company Registered Under The Provisions Of Company Act, 1956 Having Its Registered Office At 21/360 Ganj Para, Raipur, Chhattisgarh, Through Its Director Shri Hemendra Sangoi.

---- **Petitioner**

Vs

1. Chhattisgarh State Minor Forest Produce (T&D) Cooperative Federation Limited , Having Its Registered Office At A-25, V I P Estate, Khamardih, Shankar Nagar, Raipur, Chhattisgarh, Through Its Managing Director
2. Chhattisgarh State Minor Forest Produce (T & D) Cooperative Federation Limited, District Union, South Sarguja, Ambikapur, District- Sarguja, Chhattisgarh, Through Its Managing Director
3. State Of Chhattisgarh, Through The Principal Secretary Department Of Forest, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Raipur, Chhattisgarh.

---- **Respondents**

And**Transfer Petition (C) No. 57 Of 2016**

Paras Vanaspati Pvt. Ltd. A Company Registered Under The Provisions Of Company Act, 1956 Having Its Registered Office At 21/360 Ganj Para, Raipur, Chhattisgarh, Through Its Director Shri Hemendra Sangoi.

---- **Petitioner**

Vs

1. Chhattisgarh State Minor Forest Produce (T&D) Co-operative Federation Limited , Having Its Registered Office At A-25, V I P Estate, Khamardih, Shankar Nagar, Raipur, Chhattisgarh, Through Its Managing Director.
2. Chhattisgarh State Minor Forest Produce (T & D) Cooperative Federation Limited, District Union, Raigarh, Unit 9, District- Raigarh, Chhattisgarh,

Through Its Managing Director.

3. State Of Chhattisgarh, Through The Principal Secretary Department Of Forest, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Raipur, Chhattisgarh.

---- Respondents

For Petitioners	Shri Ankit Singhal, Advocate.
For Respondent No.1 & 2	Shri AS Kachhwaha, Advocate.
For Respondent/State	Shri OP Sahu, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

12/01/2017

1. These three petitions have been filed by the petitioners under Section 24 of CPC against the respondents No.1&2 seeking transfer of Civil Suit No.2-A/2010 pending before the court of Additional District Judge (FTC), Jashpur, Civil Suit No.12-A/2009 pending before the court of 3rd Additional District Judge, Ambikapur and Civil Suit No.38-A/2009 pending before the court of District Judge, Raigarh, be transferred to any one of the court so that consolidated trial and hearing can take place.
2. Counsel for the petitioner submits that these are the cases where the issues are common and identical and it is common nature of agreement which have been entered into by the petitioner's establishment in each of the case is not disputed. He further submits that for the sake of convenience in conducting trial, it would be necessary that all the three civil suits be consolidated and proceeded together. In addition, counsel for the petitioners further submits that consolidation is necessary for the reason that there is a possibility of difference of opinion in the final outcome if the matters are permitted to be proceeded in the three

different courts. In the alternative, he also makes a submission that all the matters be transferred to the court at District Raipur which would further facilitate either of the parties for smooth conducting of trial as the office of the petitioner-plaintiff as well that of the respondent No.1 is situated at Raipur and that would suit either of the parties also and thus prayed for transfer of all the civil suits to one of the court in the State of Chhattisgarh.

3. Learned counsel appearing for the respondents No.1&2, the contesting respondents, who are the defendants before the three different courts below submits that they have strong objection for such transfer of civil suits being sought for. He submits that so far as the respondents No.1&2 are concerned, they would have no inconvenience in contesting the case separately. It is also submitted that it is only for the convenience of the petitioner that they are seeking for consolidation of three suits.
4. According to him, the nature of evidence which has to be adduced in all the cases would be entirely different, as the dispute arises out of three different contract/agreement executed between the parties. He further submits that there is also possibility that the witnesses in all three cases would be different. In the agreements entered into between the parties, the signature of different officers would be there. Therefore, even if it is ordered for consolidated trial, the evidence in each of the cases would have to be recorded separately as the witnesses and the authorities would be entirely different in all the cases. Thus, prayed that there is no need for transfer of suits for consolidated hearing and trial.
5. Having heard the counsel for the parties and having perused the records,

undoubtedly three suits are arising out of three separate independent contracts, the documents exhibited in each of the contracts/agreement are also entirely different, the officers who have signed in the contracts are also different, and therefore, the witness which would have been adduced by the defendants to prove the documents which they would rely are also different, therefore, it would not serve any purpose of consolidating the three suits together.

6. Thus, for the aforesaid reasons, in the opinion of this court, no strong case has been made out for consolidating the three suits for being proceeded together.
7. According, the petitions being devoid of merit are liable to be and are dismissed.

Sd/-
(P.Sam Koshy)
Judge