

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2141 of 2017
DECIDED ON: May 15, 2017

GURDEV SINGH AND OTHERS

.....PETITIONERS...

VERSUS

ROBIN JAMES

....RESPONDENT...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Tribhawan Singla, Advocate
for the petitioners.

JASPAL SINGH, J.

Through instant revision petition preferred under Article 227 of the Constitution of India, the petitioners have sought setting aside of order dated 27.01.2017 passed by Id. Additional Civil Judge, Senior Division, Nakodar whereby an application moved by the petitioners under Section 151 CPC for consolidation of two suits captioned as *“Gurdev Singh and others vs. Robin James”* and *“Sonu Chauhan vs. Robin James”* has been declined.

2. The contention of learned counsel for the petitioners is that respondent-Robin James entered into an agreement to sell of the disputed property on 01.04.2008 @ ₹22,000/- per marla and received a sum of ₹8 lacs as earnest money by way of cheque out of the total sale consideration of ₹41,36,000/-. The sale deed was to be executed on or before 31.03.2009. When the respondent failed to execute the sale deed as per the terms and conditions of the agreement, the petitioners were constrained to file a suit for possession by way of specific performance. Subsequent thereto, the petitioners came to know that respondent-Robin James has forged and fabricated agreement of sale dated

30.04.2007 in connivance with one Sonu Chauhan, on the basis of which, Sonu Chauhan has also filed a suit for specific performance, in which, the petitioners have also been impleaded. Thus, the matter involved in both the suits is same and in order to avoid conflicting judgments, the consolidation of both the suits is necessary but the ld. trial court has declined the same without assigning any cogent reason.

3. This Court has given a deep thought to the submissions made by learned counsel for the petitioners but does not find any legal and factual force therein.

4. Undisputably, both agreements of sale are independent to each other and are of different dates. The petitioners have preferred the civil suit for possession by way of specific performance of the agreement of sale dated 01.04.2008 on 29.03.2012 whereas the another suit captioned as ***“Sonu Chauhan vs. Robin James and others”*** has been filed in the year 2016 on the basis of agreement to sell dated 30.04.2007. The cause of action in both the suits are also different. Thus, this Court is of the view that consolidation of both the suits is not proper and it has rightly been held so by the ld trial court. As far as passing of conflicting judgments is concerned, the ld trial court has already taken care thereof and has observed that both the suits shall be decided by the same court on the same date to avoid conflicting judgments. Thus, this Court does not find any infirmity and illegality in the impugned order.

5. Dismissed.

May 15, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No