

CR No. 5874 of 2017 (O&M)

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

**CR No. 5874 of 2017 (O&M)
Date of Decision: 4.9.2017**

Inderbir Singh Chatwal

.....Petitioner

Vs.

Neeta Dhodi and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Rakesh Bhatia Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 24.5.2017 (Annexure P-5) passed by the learned trial court, whereby two suits arising out of complaints Annexures P-1 and P-2 were ordered to be consolidated, defendant No.2 in the second suit has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Placing reliance on the judgment of this Court in **Brij Kishore Vs. Bir Singh and others (CR NO. 5922 of 2013, decided on 30.9.2013)**, learned counsel for the petitioner contends that since the relief being claimed in both the suits was different and petitioner is also not party in the earlier suit, both the suits could not have been consolidated. He prays for setting aside the impugned order, by allowing the present revision.

CR No. 5874 of 2017 (O&M)

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the agreement to sell dated 14.11.2011 was the common bone of contention in both the suits arising out of plaints (Annexure P-1 and P-2), learned trial court did not exceed its jurisdiction, while passing the impugned order, so as to avoid multiplicity of the litigation between the parties. Having said that, this Court feels no hesitation to conclude that the learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld.

It is a matter of record that suit property involved in both the suits is same. Agreement to sell dated 14.11.2011 was also common in both the suits. Except the petitioner who is defendant No.2 in second suit, all other parties are also same. Apprehension of the petitioner is wholly misplaced that he will not be granted due opportunity by the learned trial court to put up his best case. However, that stage is yet to come. So far as the consolidation of both the suits ordered by the learned court below by way of the impugned order, is concerned, no fault can be found with the impugned order, as the same has been passed after taking into consideration all the relevant aspects of the matter and the same deserves to be upheld.

Coming to the judgment in Brij Kishore's case (supra), relied upon by the learned counsel for the petitioner, there is no dispute about the observations made therein. However, on a close perusal of the cited judgment, it has not been found to be of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before

CR No. 5874 of 2017 (O&M)

applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533, Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75, State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275 and State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533.**

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

4.9.2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No