

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

Civil Revision No.6279 of 2016 (O&M)
Date of decision: April 17, 2017

Roshan Singh ...Petitioner

Versus

Ravinder Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. R.S. Saini, Advocate for the respondent.

Rajan Gupta, J.

Present revision petition has been preferred by the petitioner against the order dated 09.09.2016, passed by the trial court, whereby application filed by the petitioner for consolidation of the two civil suits, has been dismissed.

Learned counsel for the petitioner has assailed the order. He has submitted that impugned order is unsustainable. According to him, suit property as well as parties in both the suits are same and common questions of law and fact are involved in both the cases and thus, both the suits require to be consolidated. He has relied upon judgment reported as ***Ramji Gupta and another Vs. Gopi Krishan Agrawal (D) and others, 2013 (2) R.C.R. (Civil) 898.***

Plea has been opposed by learned counsel appearing for the respondent. He has submitted that subject matter of both the suits is

different. Moreover, in the suit filed by the respondent, evidence of plaintiff stands concluded, whereas suit filed by the petitioner is at its initial stage.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, petitioner Roshan Lal filed a suit for declaration to the effect that he is owner of the property including two shops as detailed in the plaint. He also challenged sale deed No.192 dated 4.5.2004, executed by one Parbhat Chand in favour of defendant, with consequential relief of permanent injunction restraining the defendant from interfering into his peaceful possession over the property and also mandatory injunction directing defendant to hand over possession of the two shops. Another suit was filed by respondent Ravinder Kaur against the petitioner and his wife Jagjit Kaur for possession by ejecting them from the house/premises, with consequential relief of permanent injunction restraining defendants from alienating or transfer the suit property and also claiming mesne profits for unauthorized use and occupation of the house. During pendency of two suits, petitioner filed instant application for consolidation of both the suits. Prayer for consolidation of two suits has been rejected by the court below by observing that civil suit titled as *Ravinder Kaur vs. Roshan Singh*, is likely to be decided soon as evidence therein stands concluded, whereas in the suit filed by the petitioner defendants' evidence is going on.

I find no infirmity with the order passed by the court below.

Admittedly, the suit was instituted by the respondent in the year 2014.

Said suit had made considerable headway as evidence of parties therein stands concluded, whereas suit filed by the petitioner is at the stage of defendants' evidence. In my considered view, no purpose would be served by consolidation of both the suits. It is inexplicable how the injunction suit would have any bearing on the another suit, in which relief of possession has been sought. Counsel for the petitioner has not been able to convince this court that trial of two suits need to be consolidated. In view of nature of litigation involved, it would be appropriate that both the suits are tried separately. There can be no dispute with the proposition of law laid down in *Ramji Gupta's case (supra)*. However, same is not attracted to the facts of the present case. Thus, no interference in revisional jurisdiction of this court is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 17, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No