

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

CR-1700-2018 (O&M)

Date of decision : 25.05.2018

Darshan Singh and another

..... Petitioners

VERSUS

Sudesh Rani and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abdul Shehbaz Thind, Advocate, for the petitioners.

Mr. R.K.Dogra, Advocate, for the respondents.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 03.01.2018, passed by the Civil Judge (Junior Division), Ludhiana, through which the application filed by the petitioners/defendants seeking consolidation of the suit filed by them with the suit filed by the respondents has been dismissed.

The respondents/plaintiffs filed a suit for injunction to restrain the petitioners/defendants from interfering in their peaceful possession of House No. B-XXXII-E-8/1390/B on plot measuring 392 square yards comprised in khasra No. 24//18/2 Khata No. 71/74, Hadbast No. 80, as per jamabandi for the year 2005-06, situated in the revenue estate of Village Kakkowal, Tehsil and District Ludhiana. While the aforesaid suit was pending, the petitioners filed another suit seeking a declaration that they be declared owners in possession of property measuring 400 square yards comprised in khasra No. 24//12/1 Khewat No. 74, Khatauni No. 78, situated at village Kakkowal, Tehsil and District Ludhiana as also for a declaration that sale deed dated 16.09.2008 had no concern with the suit property. In their suit, a further prayer for the grant of injunction to restrain the respondents from interfering in their peaceful possession of khasra

No. 24//12/1 was made by the petitioners.

Through the order impugned in the present petition the Civil Judge (Junior Division), Ludhiana has rightly held that the subject matter of both the suits being located in distinct khasra numbers is different and that the stages of both the suits are also different as the suit filed by the respondents is at the stage of evidence whereas the suit filed by the petitioners is at the initial stage in which, as on date, even the written statement has not been filed. Both the suits thus have rightly not been consolidated.

In view of the above, no error is found in the impugned order.

Dismissed.

25.05.2018

shamsher

[DEEPAK SIBAL]
JUDGE

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