

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

CR No.4748 of 2018
Date of Decision : 07.08.2018

Didar Singh and another

...Petitioners

VERSUS

Balbir Kaur

....Respondent

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioners.

Mr. Vijay Lath, Advocate
for the respondent.

B.S.WALIA, J.

1. Prayer in this revision petition under Article 227 of the Constitution of India is for setting aside order dated 12.04.2018 (Anneuxre P-4), passed by the learned Civil Judge (Senior Division), Rupnagar, dismissing the application filed by the petitioners-plaintiffs for consolidation of civil suit No.CIS-56709 of 2013, titled as 'Didar Singh vs. Balbir Kaur' and civil suit No.CIS-57930 of 2013 titled as 'Balbir Kaur vs. Didar Singh and others', as both the cases are pending in one and the same court.

2. Learned counsel has relied upon the decision of this Court in Ved Parkash vs. Amar Singh and another 1996 (1) CCC 339. In the aforementioned case, consolidation was allowed on the ground that there were chances of two contradictory decrees coming into being because of two suits

filed by two purchasers on the strength of independent agreement to sell in their favour in respect of the same land. Learned counsel for the petitioners concedes that such is not the position in the instant case.

3. Learned counsel for the respondent has referred to the dates of hearing in both the suits. Civil suit titled as 'Balbir Kaur vs. Didar Singh and others' was filed on 05.08.2011. Plaintiff's evidence in said case was closed on 12.07.2016 while respondent/defendant's evidence was closed on 31.05.2018 and the case was listed for arguments on 05.07.2018, 06.07.2018, 20.07.2018, 03.08.2018 and now is listed for arguments on 16.08.2018. On the other hand, civil suit titled as 'Didar Singh vs. Balbir Kaur' was filed on 05.10.2009. Plaintiff's evidence in said case was closed on 06.10.2016. However, respondent/defendant's evidence is still going on and the case is now listed for respondent/defendant's evidence on 16.08.2018.

4. Learned counsel for the respondent/defendant has also relied upon the decision of this Court in Aadish Aggarwal vs. Brijeshwar Sarup and others 2017 (1) Law Herald 297. In the said case, suit for injunction was instituted by the respondent in the year 2011 and had made considerable headway as plaintiff's evidence therein had been concluded whereas in the other suit filed in the year 2015, evidence of the plaintiff therein was yet to commence. In the aforementioned background, it was held that no purpose would be served by consolidating the suits.

5. I have heard learned counsel for the parties.

6. The learned Civil Judge (Senior Division), Rupnagar, dismissed the application *inter-alia* on the ground that the purpose of consolidating suits was to save time of the Court as well as parties but

evidence had almost been concluded by the parties in the suits, therefore, no purpose would be served by consolidating the suits.

7. Admittedly, evidence in civil suit titled ‘Balbir Kaur vs. Didar Singh and another’ has already been concluded and the case was listed for arguments on four dates and now is listed for arguments on 16.08.2018, while in the other suit titled as ‘Didar Singh vs. Balbir Kaur’ respondent/defendant’s evidence is still going on and the case is now listed for the same for 16.08.2018. The purpose of consolidation being to save the time of the Court as well as parties and one of the cases now being fixed for arguments since the past four dates, no useful purpose would be served by consolidating the two suits. Accordingly, no infirmity is found with the order passed by the learned Civil Judge (Senior Division), Rupnagar warranting interference by this Court. Resultantly, the revision petition is dismissed.

(B.S.WALIA)
JUDGE

07.08.2018
rajesh.k.khurana

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