

CR No.5359 of 2018

Date of Decision: 20.08.2018

Gillco Developers and Builders Pvt. Ltd. and another

.....Petitioners

Versus

Paramjeet Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Mr. Gurbachan Singh Bhatia, Advocate
for the petitioners.**DEEPAK SIBAL, J. (ORAL)**

Through the present petition, challenge is made to the order dated 09.05.2018, passed by the Civil Judge (Junior Division), Kharar (for short, the Trial Court) vide which the application filed by the petitioners seeking consolidation of two suits has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that the petitioners had filed a suit for specific performance of an oral agreement to sell which according to them took place in May, 2004 between the petitioners and deceased Piara Singh, who was the predecessor-in-interest of the respondents. Issuance of a direction to the respondents to execute the sale deed for land measuring 23 Gathas X 40 Gathas (126' 6" x 220') was also prayed for. Consequential relief of permanent injunction for restraining the respondents from alienating the suit property was also sought. Another suit was filed by respondent No.1 against the petitioners in which she claimed possession of 8 Marla 1 Sarsahi of land out of a total chunk of land measuring 42 Kanals

respondent No. 1 had sought directions to be issued to the petitioners to pay the market value of the plot/land for which she had filed the suit for possession.

Through the order impugned in the present proceedings, an application filed by the petitioners seeking consolidation of the afore-referred two suits has been dismissed on the grounds that the parties in both the suits and the prayers made therein as also the respective suit properties are different.

On perusal of the record the afore-referred grounds on the basis of which the application filed by the petitioners for consolidation of the aforesaid two suits has been dismissed, is factually found to be correct and, therefore, the impugned order warrants no interference.

Dismissed.

(DEEPAK SIBAL)
JUDGE

20.08.2018
sandeep

Whether Speaking/Reportable : Yes/No
Whether Reportable : Yes/No