

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 266

CR-282-2017

Date of decision : 07.05.2019

Rewati @ Rawati

..... Petitioner

VERSUS

Satyapal (deceased) through
LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Davinder Singh, Advocate, for
 Mr. Manish Mehta, Advocate, for the petitioner.

 Mr. S. K. Yadav, Advocate, for respondents No. 1(i), (ii) and 2.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 23.12.2016, passed by the Civil Judge (Junior Division), Mahendergarh (for short, the Trial Court), dismissing the petitioner's application filed by her for consolidation of two suits- "*Rewati vs. Satyapal and others*" and "*Satyapal through LRs and others vs. General Public of India and another*".

After hearing learned counsel for the parties as also perusing the record, the facts which have been culled out are that the petitioner filed a suit seeking therein to challenge two sale deeds bearing Nos. 1373 and 1374, both dated 06.08.2009, on the ground that the properties to which the aforesaid sale deeds pertained to were owned by Nimbo Devi who had been impersonated at the time of their execution. The petitioner further sought herself to be declared as the sole heir of Nimbo Devi. Injunction to restrain the defendants in the suit from alienating/transferring the suit property as also from forcibly dispossessing the petitioner from the same was also sought.

The case set up by the respondents, who were the defendants in the petitioner's suit, was that the sale deeds in question had been executed by Dhan

Kaur and that Dhan Kaur and Nimbo Devi were one and the same person. Therefore, the sale deeds are legal and valid. It was further the stand taken by the respondents that Dhan Kaur @ Nimbo Devi had executed a Will in their favour.

The respondents, who were the defendants in the petitioner's suit, had filed another suit through which they had sought to be declared owners in possession of Nimbo Devi's property. They had staked their claim on the basis of a Will dated 02.08.1976 allegedly executed by Nimbo Devi. In such suit, the petitioner, who was one of the defendants, has sought dismissal of the respondents' suit *inter alia* on the ground that Nimbo Devi and Dhan Kaur were different persons and that no Will had been executed by her in the respondents' favour.

In both the aforesaid suits the core issue is whether Nimbo Devi and Dhan Kaur are one and the same person. However, in the petitioner's suit vendees of the impugned sale deeds are also parties who have raised the plea that they are *bonafide* purchasers which is an additional issue to be adjudicated upon therein. Therefore, this Court is of the opinion that though no fault can be found in the impugned order denying consolidation of the aforesaid two suits, in the interest of justice, it would be desirable that both the suits are heard on the same date, one after the other, by the same Court. It is further directed that the evidence led in one or the other suit which is found relevant in either of them, be considered to decide the suits.

The present petition is disposed of in the above terms.

07.05.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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