

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

CR No.7237-2016 (O&M)

Date of Decision: 02.07.2019

HARJINDER KAUR AND OTHERS

...Petitioners

Versus

BALWANT SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Karamjit Verma, Advocate
for the petitioner.

Ms. Dhivya Jerath, Advocate for
Mr. Navjot Singh, Advocate
for respondent No. 1.

DEEPAK SIBAL, J. (ORAL)

On 11.03.2014, the petitioners filed a suit seeking partition of land measuring 3 kanals and 16 marlas described in the head note of the plaint (for short the suit property). While the suit was pending, on 10.04.2014, respondent No.1-Balwant Singh filed a suit against the petitioners seeking therein to be declared owner in possession of 20/76th share in the suit property. The petitioners filed an application seeking consolidation of both the abovesaid suits which, through order dated 20.09.2016 was dismissed by the Trial Court on the ground that the parties in both the suits were different; the relief sought by the respective plaintiff/plaintiffs in both the suits was not the same and that the cause of action in both of them was also different. Such order has been challenged by the petitioners through the instant petition.

After going through the impugned order as also the record of this case, it is revealed that the parties in both the suits are different; the relief sought in both the suits is also distinct and so is the cause of action. Therefore, no error is found in the impugned order rejecting the application filed by the petitioners to consolidate both the suits.

However, since, the petitioners' suit is for partition of the suit property and in the suit filed by respondent No.1-Balwant Singh he has sought to be declared as owner of 20/76th share in the suit property itself, therefore, the decision in both the suits would have bearing on each other. Resultantly, in the interest of justice and to avoid any contradictory orders in both the suits, this Court deems it just and appropriate to issue directions that both the suits be listed before the same Court on the same date and take up one after another.

The present petition is disposed of in the above terms.

July 02, 2019

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned Yes/No Whether Reportable Yes/No