

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6869 of 2018

Date of Decision:25.11.2019

TARLOK NATH BATRA

...Petitioner

Versus

ASHOK KUMAR SHARMA

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Ravi Choudhary, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 17.09.2018 passed by the Civil Judge (Junior Division), Ludhiana (for short-the Trial Court) dismissing an application filed by the petitioner for clubbing one civil suit filed by the petitioner and other by the respondent on the ground that the stage in both the suits was different and that their clubbing would result in delaying the disposal of both suits.

In October 2015 the respondent filed a suit seeking therein to declare as null and void an agreement dated 29.05.2014 allegedly executed by the parties pertaining to a house built over an area of 200 sq. yards detailed and described in the head note of the plaint (for short-the suit property). On being put to notice, the petitioner, who was the sole defendant

in the suit, appeared before the Trial Court and denied the respondent's claim. Thereafter the Trial Court framed issues on which the respondent-plaintiff led his entire evidence and the matter was listed for leading of evidence by the petitioner-defendant.

In the meanwhile, in March 2017, the petitioner filed a separate suit in which he prayed for specific performance of the aforesaid agreement dated 29.05.2014 pertaining to the suit property. On being put to notice of the said suit the respondent appeared before the Trial Court and contested the petitioner's suit.

When the suit filed by the respondent was at the stage of defendant evidence and the suit filed by the petitioner was at the stage of leading of plaintiff's evidence, an application was filed by the petitioner seeking therein clubbing of both the afore-referred suits but since both the suits were at different stages and the Trial Court felt that their clubbing would delay the disposal of both the suits, it dismissed the petitioner's application. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the parties have been heard.

A perusal of the pleadings in both the aforesaid suits, one filed by the respondent and the other by the petitioner, reveal that the subject matter of both the suits is the same as in one of the suits specific performance of an agreement entered into between the parties is prayed for while in the other the same agreement is sought to be declared as null and void. The parties in both the suits are also the same.

In view of the above, as also to avoid passing of contradictory

judgments and because most of the evidence already led or to be led in both the above suits would be common, it is desirable that they be clubbed.

To prevent delay in disposal of both the aforesaid suits it is directed that after grant of reasonable opportunities to both the parties to lead their entire evidence the Trial Court shall dispose of both the suits within six months from the date of receipt of a copy of this order.

In the light of above observations, after setting aside the impugned order, the petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 25, 2019

Jyoti-IT Whether speaking/reasoned Yes/No Whether Reportable Yes/No