

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3452-2022 (O&M)

Date of decision : 31.10.2022

Gurpreet Kaur

...Petitioner

Vs.

Amar Nath and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Goyal, Advocate for the petitioner.

MANOJ BAJAJ, J.

CM-14615-CII-2022

Application is allowed as prayed for.

Annexures P-7 to P-9 are taken on record.

Main case

Petitioner has filed this revision petition under Article 227 Constitution of India to challenge the order dated 18.05.2022 (Annexure P-6) passed by Civil Judge (Junior Division) in civil suit bearing No.CS/47867/2013 dated 26.11.2012, whereby an application for consolidation of the suits have been allowed.

Learned counsel for the petitioner has argued that the suit (Annexure P-1) filed by Gurpreet Kaur (petitioner/plaintiff) is regarding permanent injunction, who acquired title of the suit property through sale deeds executed by her vendor-Vidya Rani, as her possession is being disturbed by defendant No.1-Amar Nath (co-sharer of Vidya Rani) and his son defendant No.2. He submits that defendant No.1-Amar Nath also brought a separate suit (Annexure P-3) against the petitioner and vendor-Vidya Rani, wherein he has challenged the sale deeds executed in favour of the petitioner by Vidya Rani

on the ground that the sale of property by vendor is much beyond her share. He submits that both the suits are pending adjudication and were being tried separately, before they have been clubbed vide impugned order dated 18.05.2022. Learned counsel has argued that in the suit for injunction (Annexure P-1) filed by the petitioner, six witnesses have already been examined, therefore, with the clubbing of the suits, a *de novo* trial would commence, which would delay the adjudication of her suit. He submits that the clubbing of the suit is not justified, therefore, the impugned order be set aside.

After hearing learned counsel and considering the above background particularly the respective issues framed in the suit, this Court finds that the controversy in these two suits revolves around the execution of sale deeds dated 28.01.2010 and 18.07.2012 executed by Vidya Rani in favour of Gurpreet Kaur. Since the parties are common and issues are also materially and substantially the same, therefore, the clubbing of the suits would not only avoid the conflicting decisions, but would also reduce the multiplicity of litigation. Even if, the plaintiff-petitioner has examined her six witnesses, it would not mean that she would be required to again examine her witnesses as the parties have adopted a common stand against each other in both the suits.

A perusal of the impugned order shows that the trial Court has carefully examined the nature of both the suits as well as the issues to be addressed, therefore, has rightly exercised the jurisdiction vested in it. The impugned order does not suffer from any illegality or impropriety, so, no interference is called for.

Resultantly, the revision petition is dismissed.

31.10.2022

vanita

(MANOJ BAJAJ)
JUDGE

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