

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

CR-5641-2022(O&M)

Date of decision:-2.12.2022

Sudhir Kumar and another

...Petitioners

Versus

Rupesh Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.K. Jain, Advocate
for the petitioners.

H.S. MADAAN, J.(ORAL)

1. Briefly stated, facts of the case are that present revisionists, namely, Sh.Sudhir Kumar and Sh.Vikram Singh had filed a Civil Suit No.774 of 2017 in the Court of Civil Judge (Sr.Divn.), Rewari against Sh.Rupesh Kumar, arrayed as respondent No.1 in the present revision petition. In that suit for permanent injunction, the revisionists/plaintiffs claimed that they are owners in possession of House No.494 in village Qutubpur Maula, Tehsil and District Rewari on the basis of transfer deed No.9120 dated 29.1.2015 and defendant wanted to open a gate and an opening for waste water towards their property, whereas Rupesh Kumar had also filed a Civil Suit No.840 of 2017 in Civil Court at Rewari seeking a decree for permanent injunction against Sh.Chajju Ram, father of the present revisionists claiming that he is owner in possession of House NO.492, Qutubpur Rewari and there is a gallery in his house,

which ends towards the public path; the defendant had installed a gate in the gallery and was trying to interfere in the peaceful possession of the plaintiff. As the dispute between the two suits was common, learned Additional District Judge, Rewari vide order dated 9.7.2018 directed consolidation of both the civil suits. It was accordingly so done and the two suits now consolidated are mature for arguments.

2. The respondent No.1 Rupesh Kumar had filed another suit against the revisionists and their father Sh.Chajju Ram as well as some other respondents on the averments that Chajju Ram had illegally made transfer of property in favour of his sons the revisionists vide transfer deed dated 29.1.2018 and he was not competent to do so etc. The present revisionists had filed an application before learned District Judge, Rewari for transferring Civil Suit No.2954 of 2018 filed by Rupesh Kumar against Sub Registrar Rewari and others to the Court where consolidated suits were pending so that three suits could be tried by the same Court. However, the application was opposed by Rupesh Kumar.

3. Learned District Judge, Rewari had dismissed the application filed by the revisionists leaving them aggrieved and they have filed the instant revision petition.

4. I have heard learned counsel for the revisionists besides going through the record and I find that revision petition is doomed for failure.

5. A perusal of the impugned order passed by District Judge, Rewari goes to show that subject matter of the consolidated suits, which are pending for rebuttal evidence and arguments is different from the

subject matter of the third case, which is sought to be got transferred to the Court where the consolidated suits are pending. For that reason application for transfer of the case was dismissed. I do not find any illegality or infirmity in the impugned order. Learned counsel for the revisionists could not convince me as to why transfer of third suit to the Court where the earlier two suits in consolidated form are pending is necessary. The third suit is at initial stage where issues are yet to be framed, whereas the other two suits are at the stage of rebuttal evidence and arguments almost mature for disposal. I do not see any logic behind moving the application and application was rightly rejected by learned District Judge, Rewari. There is absolutely no reason to interfere with the order passed by learned District Judge, Rewari and to allow the application for transfer of the case.

6. Thus, finding no merit in the civil revision petition, the same stands dismissed.

2.12.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No