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

**C.R No. 1598 of 2023 (O&M)
DATE OF DECISION: 29.05.2023**

Satpal**...Petitioner****Versus****Sham Sunder Gupta****...Respondent****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Aditya Dassaur, Advocate,
for the petitioner.

Mr. Ankit Joshi, Advocate,
For the respondent.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for setting aside order dated 27.10.2022 (Annexure P-6) passed by learned Civil Judge (Junior Division), Ludhiana in Civil Suit No.17/2020 titled “Sham Sunder Gupta v. Satpal” in which an application for consolidation of the suit with Civil Suit No.2728/2015 titled “Satpal v. Sham Sunder Gupta and others” relating to same property, was dismissed.

2. Succinct facts first, as pleaded in the instant petition.

2.1 Petitioner filed suit No.2728 of 2015 (Annexure P-1) for declaration to the effect that plaintiff is joint owner in possession of property i.e., House No.3233 (old) and 34 (new) at Village Haibowal Kalan to the extent of 1/6th share having inherited the property on the basis of natural succession. Further, prayer was made seeking declaration to the effect that alleged transfer deed bearing Vasika

No.4937 dated 27.08.2013 allegedly executed by Ram Dass Gupta in favour of defendant No.1-Sham Sunder Gupta is illegal, null and void. Prayer was also made for separate possession and permanent injunction restraining defendant No.1 from alienating, mortgaging, transferring or gifting the property in question and also from dispossessing plaintiff/petitioner herein.

2.2 Respondent herein also filed suit (Annexure P-2) for mandatory injunction directing the petitioner herein to hand over possession of two rooms, two washrooms out of House No.34, Street No.2, New Deep Naga, Chuharpur Road Haibowal Kalan, Ludhiana.

2.3 Petitioner filed written statement in above mentioned suit taking preliminary objections that present suit is nothing but a counter blast of Suit No.2728 of 2015 filed by him. The said suit also pertains to same suit property and alleged transfer deed dated 27.08.2013 has also been challenged in that suit. Both the suits are pending for evidence and only one witness each has been examined therein.

2.4 Petitioner filed application (Annexure P-4) for consolidation of both the cases on the ground that both the suits pertain to same property and have arisen out of same cause of action.

2.5 Learned trial Court, vide impugned order dated 27.10.2022 (Annexure P-6), dismissed said application.

3. I have heard learned counsel for parties and have gone through the records.

4. Revision petition is though filed seeking consolidation of both the cases, however, in the course of hearing, learned counsels for parties are *ad idem* that instead of consolidation of both suits, since the property in question in the two suits is same, both suits be tried together in order to avoid conflicting findings.

5. Being so, on joint consent of learned counsels for parties, instant revision petition is disposed of with a direction that both the suits be tried together. Learned trial Court shall proceed with both the suits by hearing them on same date. Needless to say that final arguments will also be heard on the same date and separate judgments will be passed.

6. Disposed of in above said terms.

7. Pending applications, if any, shall also stand disposed of.

MAY 29, 2023

Shalini

(ARUN MONGA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No