



2024:DHG:353



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **TR.P.(C.) 164/2023****ROHIT KUMAR**

..... Petitioner

Through: Ms. Kirti Uppal, Sr. Advocate
with Mr. Ankur, Mr. Parth Sharma, Mr.
Vaibhav Mishra & Ms. Sonali Tiwari,
Advocates.

versus

RAJ PAL SINGH AND ORS

..... Respondents

Through: Mr. Sanjeev Sagar & Ms. Nazia
Parveen, Advocates for R-1.
Ms. Archana Gaur, DHCLSC for R-2.

CORAM:**HON'BLE MR. JUSTICE C.HARI SHANKAR****ORDER (ORAL)****16.01.2024**

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1. According to the averments in this writ petition, there are three litigations pending among the parties. Respondent 1 has instituted two suits, which are pending before the Patiala House Court. CS DJ 228/2021(*Raj Pal Singh v. Jai Prakash & Rohit Kumar*) has been instituted by Respondent 1 against the petitioner and Respondent 2 in respect of an amount of ₹ 10 lakhs, which is stated to have been paid by Respondent 1 to the petitioner and Respondent 2. CS DJ 214/2021(*Raj Pal Singh v. Rohit Kumar*) has been instituted by Respondent 1 against the petitioner apropos an amount of ₹ 8 lakhs stated to have been paid by Respondent 1 to the petitioner.

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2. One of the prayers made by Mr. D. Rajeshwar Rao, learned Counsel for the petitioner is that these two suits may be consolidated before one Court, as they both deal with amounts paid by Respondent 1 to the petitioner and, in one case, also to Respondent 2.
3. Learned Counsel for the respondents fairly do not oppose this request.
4. Accordingly, as CS DJ 214/2021 is the suit earlier instituted in point of time, CS DJ 228/2021 is transferred to the Court seized of CS DJ 214/2021.
5. Needless to say, the proceedings in both suits would continue from the stage at which they are at present.
6. The third suit pending between the parties is CS DJ 547/2022(*Rohit Kumari v. Archana Kumari*), which has been instituted by the petitioner against Respondent 3 qua an amount which the petitioner claims to have advanced to Respondent 3.
7. This is, clearly, a transaction which is distinct from the transactions forming subject matter of CS DJ 214/2021 and CS DJ 228/2021. Moreover, CS DJ 547/2022 is pending before the Saket District Court. I see no justification to club this suit with the suits pending before the Patiala House Court.



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8. Accordingly, this petition is partly allowed as indicated *supra*. CS DJ 228/2021 is transferred to the Court, which is presently seized of CS DJ 214/2021 in the Patiala House Court.

9. The petition is disposed of accordingly.

CM APPL. 53184/2023 (stay)

10. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

JANUARY 16, 2024

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Click here to check corrigendum, if any