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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 34/2025**

SMT. AMRIT KAUR NOW DECEASED AND OTHERS

.....Appellants

Through: Mr. Dutta, Sr. Adv. with Mr.
Aditya, Mr. Anand Kumar,
Adv.

versus

SHRI MEHTAB SINGH AND OTHERS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

17.03.2025

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CM APPL. 15324/2025 (Ex.)

Exemption allowed, subject to all just exceptions.

Application shall stand disposed of.

FAO(OS) 34/2025

1. This appeal is directed against the order handed down by the learned Single Judge disposing of an application which had been moved by the appellant here for consolidation of as many as five suits. The details of those suits are set out hereinbelow:-

S. No.	CS(OS) 407/2020	CS(OS) 408/2020	CS(OS) 409/2020	CS(OS) 410/2020	CS(OS) 411/2020
1.	Mehtab Singh	Mehtab Singh	Mehtab Singh	Narender Singh	Mehtab Singh
2.	Narender Singh	Narender Singh	Narender Singh	Devender Singh	Narender Singh
3.	Ajit	Devender	Ajit	Ajit	Devender



	<i>Singh</i>	<i>Singh</i>	<i>Singh</i>	<i>Singh</i>	<i>Singh</i>
4.	<i>Chander Prakash</i>	<i>Ajit Singh</i>	<i>Chander Prakash</i>	<i>Chander Prakash</i>	<i>Ajit Singh</i>
5.	<i>Lalit Kumar</i>	<i>Chander Prakash</i>	<i>Lalit Kumar</i>	<i>Lalit Kumar</i>	<i>Chander Prakash</i>
6.	<i>Jaiveer Singh</i>	<i>Lalit Kumar</i>	<i>Jaiveer Singh</i>	<i>Jaiveer Singh</i>	<i>Lalit Kumar</i>
7.	<i>Harpal Singh Dagar</i>	<i>Jaiveer Singh</i>	<i>Harpal Singh Dagar</i>	<i>Harpal Singh Dagar</i>	<i>Jaiveer Singh</i>
8.		<i>Harpal Singh</i>			<i>Harpal Singh Dagar</i>

2. Mr. Dutta, learned senior counsel who appears for the appellant contends that since the defendants were common and the statement of those witnesses had already been recorded, the ends of justice would have warranted the learned Single Judge granting the prayer for consolidation of all the suits so as to expedite trial.

3. We, however, find that the learned Single Judge has on facts found as under:-

“12. Therefore, the Court, in the present case, takes note of the fact that all the civil suits have been pending since 2020 and in interregnum, the Court had appointed the Court commissioner to record the evidence of the witnesses.

XXX

XXX

XXX

14. It would also be appropriate to cite the fact that the properties in dispute in all the civil suits are different and even the plaintiffs in all the civil suits are not the same.”

4. Before us, it is not disputed that the plaintiffs in the five suits are separate individuals and even the properties are not common. Thus all of those plaintiffs would not only have to independently establish their rights over the plots in question but would also have to prove the allegation of encroachment. It is these aspects which appear to have weighed upon the learned Single Judge to refuse the prayer that was



made.

5. In view of the aforesaid, we find no justification to interfere with the order impugned. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.
MARCH 17, 2025/neha