



S. No.131

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

**CR No.4063 of 2026 (O&M)
Date of Decision:18.05.2026**

Sanjeev Kumar

.....Petitioner

Vs.

Smt. Surinder Mehta and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Ms. Kashish, Advocate for the petitioner.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the order dated 19.3.2026 (Annexure P.1) passed by the Court of learned District Judge, Gurugram whereby an application filed by the petitioner under Order 24 CPC to transfer and consolidate the trial of the Civil Suit bearing CIS No.CS-1433-2023 pending before the Court of Civil Judge (Junior Division), Gurugram and Civil Suit bearing CIS No.CS-2418-2025 pending before Additional Civil Judge (Senior Division), Gurugram to one Court has been dismissed.

2. It is submitted in the application that one civil suit bearing CIS No.CS-1433-2023, titled as `Smt. Surinder Mehta and others Vs. Sanjeev Kumar`, is pending in the Court of Ms. Shivani Rana, Civil Judge (Junior Division), Gurugram, and another civil suit bearing CIS No.CS-2418-2025, titled as `Sanjeev Kumar Vs. Surinder Mehta and others`, is pending in the Court of Shri Rajat Verma, Additional Civil Judge (Senior Division), Gurugram. It has further been submitted that the subject matter in dispute and cause of action in both the cases



is identical. Both the cases are so dependent upon each other that decision in one case will directly and substantially affect the other case. The relief in both the cases has also arisen out of the same act or transaction and common questions of law and fact are involved in both the cases. No prejudice shall be caused to the respondents if both the cases are transferred to one Court and prayer has been made to transfer the afore-said suits to one Court.

3. Notice of the transfer application was issued to the respondents who opposed the same by way of reply. As per version of respondents, the transfer application is wholly misconceived, meritless and malafide and has been filed only with the intention to delay the proceedings of the suit, which was already at an advanced stage, and therefore, the same is liable to be dismissed. It has been denied that the subject matter or cause of action in both the suits is identical. It has been further submitted that civil suit bearing CIS No.CS-1433-2023 has been filed by the respondents under Section 6 of the Specific Relief Act, and in the said suit, the evidence of the plaintiffs stands concluded and the matter is fixed for evidence of the defendants. Subsequent suit bearing CIS No.CS-2418-2025 has been filed by the present applicant for symbolic possession and specific performance, and thus, the cause of action, nature of relief, and stage of the suits are entirely different, and no ground is made out for transfer of both the suits to one Court. It has been denied that any common question of law or fact arise in both the suits requiring a joint trial or transfer to avoid conflicting judgments. It is submitted that in case the present application is allowed, serious prejudice would be caused to the respondents and the proceedings will also get delayed and dismissal of the transfer application was prayed for.



4. After hearing the parties and on going through the material on record of both the cases, learned District Judge, Gurgaon dismissed the application.

5. Feeling aggrieved, present revision petition has been instituted. The material placed on file has been perused and learned counsel for the petitioner has been heard.

6. Learned counsel for petitioner contended that the impugned order vide which the application moved by the petitioner for transfer of both the suits to the same Court has been declined is based on conjectures and surmises. The facts of the cases have not been appreciated in the correct perspective and in case, both the suits are not transferred to the same Court, it will result into multiplicity of proceedings and conflicting judgments. Both the suits have been instituted between the same parties and suit property is also the same and it will be in the interest of justice if the same are transferred to the same Court and are decided together and she prayed that the impugned order be set aside. In support of her contentions, learned counsel has cited judgment dated 12.11.2021 passed by the High Court of Madhya Pradesh in Misc. Petition No.600 of 2019 and Misc. Petition No.601 of 2019 titled “**Smt. Pooja Rani Vs. Dinesh Kumar and others**” and judgments of Hon’ble Supreme Court in (2004) 3 Supreme Court Cases 85, **Chitivalasa Jute Mills Vs. Jaypee Rewa Cement**, (1979) 4 Supreme Court Cases 358 – **Indian Overseas Bank, Madras Vs. Chemical Construction Company and others**, (2010) 8 Supreme Court Cases 401 – **DAV Boys Senior Secondary School and others Vs. DAV College Managing Committee**, (2008) 3 Supreme Court Cases 659 – **Kulwinder Kaur alias Kulwinder Vs. Kandi Friends Education Trust and others**.



7. However, I do not find any force in the contentions raised by learned counsel for the petitioner and the case law cited by her is not applicable to the facts of the case in hand and the petition in hand is liable to be dismissed for the reasons discussed hereinafter.

9. It is not in dispute that the parties in both the suits are the same but the natures of suits and relief claimed in both the suits are altogether different. One suit has been instituted under Section 6 of Specific Relief Act against forcible dispossession which has to be tried summarily and the only question to be decided in the said suit is whether the plaintiff in that suit has been forcibly dispossessed or not. The second suit pertains to specific performance of the agreement in which prayer has also been made for delivery of symbolic possession which certainly involves a broader adjudication of rights which can be decided only after the parties are given an opportunity to lead evidence. The purpose of Section 6 of Specific Relief Act is to provide a speedy remedy and for recovery of possession against forcible dispossession. In case, the said suit is also transferred to the same Court and consolidated with the suit for specific performance, it will delay the decision of the said suit. Learned District Judge has also rightly observed that merely because the parties are same or there may be some overlapping factual background, it cannot be said that both the suits are so inseparably connected so as to necessitate their trial by one and the same Court. Infact, the cause of action, nature of relief claimed and scope for adjudication in both the suits are different. Learned District Judge thus rightly declined the application to transfer both the suits to the same Court. The impugned order does not suffer from any material

illegality or manifest error. No interference in the impugned order is thus called for and the petition in hand is ordered to be dismissed.

10. Pending misc. application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

May 18, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No