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

CR-1669-2023 (O&M)

Date of Decision : 08.07.2025

Raj Kumar Tayal ... Petitioner(s)

Versus

Nirmal Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Akshay Jindal, Advocate for the petitioner.

Mr. Malvika Singh Advocate for respondent Nos.1 and 2.

Mr. John Kumar, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 03.03.2023 (Annexure P-1) whereby application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) has been dismissed.

2. Brief facts relevant to the present *lis* are that respondent No.3 - Daya Chand - instituted a suit being CS-662-2017 tiled as “Daya Chand Vs. Nirmal Singh etc.” for specific performance against respondent Nos.1 and 2, namely, Smt. Nirmal Singh and Sanjay Kumar, on the basis of an agreement to sell dated 22.06.2016. The petitioner on the basis of an agreement to sell dated 08.06.2015 in his favour executed by respondent Nos.1 and 2, namely, Nirmal Singh and Sanjay Kumar, had already filed a civil suit being CS-189-2017 titled as “Raj Kumar Tayal etc. Vs. Nirmal Singh etc.” which is

pending in the Court of the learned Civil Judge (Senior Division), Palwal. The petitioner herein moved an application in the civil suit being CS-662-2017 for being impleaded as a party under Order 1 Rule 10 CPC which application has been dismissed vide the impugned order. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the petitioner would contend that the petitioner has filed the present application as qua the same property two agreements to sell were entered into by respondent Nos.1 and 2, namely, Nirmal Singh and Sanjay Kumar herein and that qua one agreement to sell dated 08.06.2015 the petitioner herein had already instituted a civil suit being CS-189-2017 titled as “Raj Kumar Tayal etc. Vs. Nirmal Singh etc.” and, hence, sought to get impleaded as a party in CS-662-2017. In the alternative, the learned counsel for the petitioner prays that since both the suits are pending at District Courts, Palwal, the same may be consolidated and heard by the same Presiding Officer. Learned counsel for the petitioner has pointed out that in the suit filed by the petitioner herein being CS-189-2017 titled as “Raj Kumar Tayal etc. Vs. Nirmal Singh etc.” a similar application has been filed by respondent No.3 - Daya Chand - which has also been dismissed and **CR-2108-2023** has been preferred by him.

4. Learned counsel for respondent No.3 would contend that he would have no objection if both the suits are consolidated as he is also aggrieved by the dismissal of his application under Order 1 Rule 10 CPC qua which **CR-2108-2023** has been preferred.

5. In view of the above, both the suits being CS-189-2017 titled as “Raj Kumar Tayal etc. Vs. Nirmal Singh etc.” and CS-662-2017 titled as

“Daya Chand Vs. Nirmal Singh” shall be consolidated and heard by the same Court in accordance with law.

6. With the aforesaid observations, the present revision petition stands disposed off accordingly. Pending applications, if any, also stand disposed off.

08.07.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO