



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

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**CR-5788-2023 (O&M)
Date of Decision : 19.05.2025**

RESHBIR SONI @ RASHVEER

.... Petitioner

VERSUS

SHIV SHANKAR KASERA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mukesh Rao, Advocate for the petitioner.

Mr. Alok Mittal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 14.09.2023 (Annexure P-10) passed by the learned Civil Judge (Senior Division), Bhiwani in Civil Suit being CS-833-2022 titled as 'Shiv Shankar V/s Reshbir' dismissing the application filed by the petitioner herein for clubbing of the suits.

2. Brief facts relevant to the present *lis* are that the respondent herein filed a suit for settlement of accounts and directing the petitioner to pay the entire amount which is found due against him after settlement of the accounts with interest @18% per annum. The petitioner herein also filed a suit for recovery of ₹37,16,780 (rupees thirty-seven lakh sixteen thousand seven hundred eighty) along with interest @ 9% per annum from the date of deposit till its actual date of realization. An application dated 31.10.2022 (Annexure P-6) was filed by the petitioner herein for transfer of the cases in

a Single Court. The respondent herein gave his no objection and vide order dated 03.12.2022 (Annexure P-7), Civil Suit being CS-1148-2022 titled as 'Rashveer V/s Shiv Shankar Kasera & Anr.' pending in the Court of Ms. Neha Yadav, learned Civil Judge (Junior Division), Bhiwani was withdrawn and transferred to the Court of Sh. Amit Gautam, learned Civil Judge (Senior Division), Bhiwani. Thereafter, an application was filed by the petitioner herein for clubbing of the two suits. Reply was filed to the said application. Vide the impugned order the application for clubbing of the suits was dismissed. Hence, the present revision petition by the petitioner.

3. Learned counsel for the petitioner would contend that the suit filed by the respondent is virtually for recovery and therefore, since the suit filed by the petitioner is also for recovery, both the suits ought to have been clubbed and heard together.

4. *Per contra*, learned counsel for the respondent would contend that the suit filed by the respondent is clearly for settlement of accounts as is apparent from the copy of the plaint which has been appended as Annexure P-1. Even the prayer in the said suit is for settlement of accounts. Merely mentioning of an amount in para No.11 of the plaint would not make the suit a suit for recovery. It is further the contention of the learned counsel that evidence in both the suits would be different and would have to be lead separately and therefore no fault can be found with the impugned order passed by the Trial Court.

5. Heard.

6. In the present case the suit (Annexure P-5) filed by the petitioner herein is 'suit for recovery of ₹37,16,780 along with interest @ 9% per annum from the date of deposits till its actual date of realization on the basis of all kind of evidence both oral as well as documentary' whereas the suit filed by the respondent herein is 'suit for settlement of accounts and directing the defendant to pay the entire amount, whichever is found due against him after the settlement with interest @ 18% per annum on the basis of all kind of evidence both oral as well as documentary'.

7. The argument of the learned counsel for the petitioner that the suit filed by the respondent is in effect a suit for recovery cannot be gone into at this stage. *Prima facie* the suit has been filed for settlement of accounts and for directing the defendant to pay the entire amount after settlement. Separate evidence would need to be led in both the suits and, therefore, the Trial Court has rightly declined clubbing of the suits.

8. In view of the above, no fault can be found with the impugned order. The present revision petition, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

19.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No