



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

CR-6005-2019 (O&M)

Date of decision : 04.03.2025

Lalit Kumar

...Petitioner

Vs.

Munni Devi and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Jai Singh Yadav, Advocate
for respondents No. 1 to 5, 7, 9 and 10.

ANIL KSHETARPAL, J. (Oral)

1. Two suits between the parties are pending before the trial Court. One was instituted on 13.10.2015, whereas, the second one was instituted on 19.10.2015. In both the suits, the plaintiffs have challenged the correctness of registered release deed dated 26.06.2001. The application filed by defendant No.1 to stay the proceedings in the subsequent suit has been dismissed by the trial Court on the ground that both the suits are based upon different cause of actions.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. Section 10 of the Code of Civil Procedure, 1908 does not provide for cause of action. In fact, Section 10 of the Code of Civil Procedure, 1908 requires the Court to examine whether the matter in issue in the previously instituted suit and the subsequently instituted suit between the same parties is



identical or not.

4. Hence, the order passed by the trial Court is erroneous.
5. The parties in both the suits are also same.
6. Keeping in view the aforesaid facts, the impugned order is modified and learned District Judge, Rewari is requested to consolidate proceedings in both the suits and assign it to senior Presiding Officer amongst the two Presiding Officers where the suits are pending. The Court will simultaneously decide both the suits.
7. The civil revision is disposed of.
8. The parties through their counsel are directed to appear before the learned District Judge, Rewari on 21.03.2025.
9. All the pending miscellaneous applications, if any, are also disposed of.

04.03.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No