



CR-5724-2025 (O&M)

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

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**CR-5724-2025 (O&M)
Decided on :- 25.08.2025**

Dr. Singh Raj

....Petitioner

VERSUS

Rajbala Nagar & Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Akshay Jindal, Advocate and
Mr. Yash Vardhan Goyal, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioner/plaintiff for setting aside the order dated 14.07.2025 passed by the learned Additional Civil Judge (Senior Division), Gurugram, whereby Civil Suit No. 1687 of 2019 titled *Dr. Singh Raj v. Raj Bala and others* and Civil Suit No. 3623 of 2023 titled *Smt. Raj Bala v. Surajmal and others* have been ordered to be consolidated.

2. It is the case of the petitioner that he instituted Civil Suit No. 1687 of 2019 for possession with consequential relief of mandatory and permanent injunction, asserting that his father Surajmal transferred the property in his favour vide transfer deed dated 13.12.2017 and delivered possession thereof. He remained in the suit property until shifting to temporary accommodation at Sector 15, Gurugram for purposes of renovation. Taking advantage of his absence, respondent No.1 Raj Bala entered the property, compelling him to file the above suit. After several opportunities, written statement was filed by defendant No.1, issues were framed, plaintiff's evidence was concluded on 05.11.2022, and the matter was



fixed for defendants' evidence. Thirteen effective opportunities were availed by the defendants, and finally the matter was fixed for arguments on 30.11.2024.

3. In the meantime, respondent No.1 filed Civil Suit No. 3623 of 2023 seeking declaration that she had become owner in possession of ancestral land measuring 96 kanals 5 marlas, claiming that she and defendants No.2 to 5 therein were entitled to equal shares as coparceners in the Hindu joint family property inherited by Surajmal. It was pleaded that Surajmal had no right to alienate the property, and that several sale deeds executed by him in favour of other defendants were illegal and void. Written statement in the said suit has been filed by Surajmal and by Dr. Singh Raj separately, as also by the other defendants. An application under Order VII Rule 11 CPC filed by the present petitioner in the said suit is still pending.

4. Respondent No.1 thereafter moved a transfer application before the learned District Judge, which was allowed on 05.11.2024, and both suits were ordered to be tried by one Court. Subsequently, an application for consolidation of both the suits was filed by respondent No.1. The petitioner opposed the same on the ground that both the suits are at different stages, involve different causes of action, and distinct parties, and common evidence cannot be recorded. The learned Additional Civil Judge, however, allowed the application vide impugned order dated 14.07.2025, holding that consolidation was necessary to avoid risk of contradictory judgments.

5. I have considered the submissions of learned counsel for the petitioner and carefully perused the record.

6. The reasoning of the learned trial Court cannot be sustained. From the pleadings of the parties it is evident that Civil Suit No. 1687 of 2019 pertains to a



property measuring 560 square yards only, whereas Civil Suit No. 3623 of 2023 involves several sale deeds concerning a much larger chunk of land measuring 96 kanals 5 marlas. The subject-matter is not identical, except for the limited portion of 560 square yards. The relief sought in the 2019 suit is for possession, mandatory and permanent injunction, whereas the 2023 suit seeks declaration regarding validity of sale deeds of alleged coparcenary property.

7. The parties are also not the same. The 2019 suit has been filed by the present petitioner against his sister Raj Bala, her husband and children. The 2023 suit has been filed by Raj Bala against the present petitioner along with other siblings, who are not parties to the earlier suit.

8. It is borne out from the record that the evidence in Civil Suit No. 1687 of 2019 has already been concluded and the matter was at the stage of final arguments, whereas in Civil Suit No. 3623 of 2023 even issues have not yet been framed. The nature of evidence to be led in the two suits is also different. Evidence required to prove possession and entitlement in respect of 560 square yards cannot be the same as evidence required to challenge multiple sale deeds of agricultural land alleged to be coparcenary in nature.

9. It is significant that the apprehension of contradictory judgments is already addressed by the fact that both suits stand transferred to the same Court by order of the learned District Judge dated 05.11.2024. Therefore, both suits will be decided by the same Court, and the risk of conflicting judgments does not arise.

10. At this stage it would be apposite to refer to certain precedents:

In *Om Parkash v. Shri Bhagwan and others*, 2014(4) RCR (Civil) 533, the Co-ordinate Bench of this Court considered consolidation of two suits filed in 2005 and 2012 regarding the same



property and observed that the application for consolidation was rightly dismissed by holding that both suits, though relating to same property, could be tried independently by the same Court to prevent conflicting judgments and thereby consolidation was not warranted.

In *Adish Aggarwal v. Brijeshwar Swaroop and others, 2017(1) Law Herald 296*, one suit for injunction was instituted in 2011 where plaintiff's evidence had already been concluded, while another suit for declaration was filed in 2015 wherein evidence had not commenced. It was held that the nature of litigation required the suits to be tried separately due to distinct reliefs sought and different stages of proceedings. Therefore, no purpose would be served by consolidating the two suits at such different stages.

Similarly, in *Sohan Lal v. Suraj Bhan, 1992 LJR 236*, a coordinate Bench of this Court held that where two suits involve different parties and only a part of the property is common, and evidence in one suit had already been concluded, consolidation was improper. It was observed that when one suit is likely to be decided earlier as evidence is already complete, order of consolidation is liable to be set aside.

11. The facts of the present case are similar with the above precedents. Only a part of the property is common, parties are not identical, and the two suits are at vastly different stages. In such circumstances, order of consolidation of suits is liable to be set aside..



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12. Accordingly, the impugned order dated 14.07.2025 passed by the learned Additional Civil Judge (Senior Division), Gurugram is hereby set aside.

13. The revision petition is allowed.

14. Pending application(s), if any, also stand disposed of.

August 25, 2025
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(MANDEEP PANNU)
JUDGE

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