

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****284****CR-3824-2024 (O&M)****Date of Decision : 29.04.2025**

Anita Malik

....Petitioner

VERSUS

Ravi Jindal and Another

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Neeraj Goel, Advocate for the petitioner.

Mr. Adarsh Jain, Advocate for the respondents.

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed challenging the order dated 28.03.2024 whereby the application filed by the petitioner under Section 10 read with Section 151 of the Code of Civil Procedure, 1908 has been dismissed.

2. The brief facts relevant to the present *lis* are that an agreement to sell dated 28.06.2023 was entered into between the parties. On 23.01.2024 the petitioner herein filed a suit for declaration to the effect that the agreement to sell dated 28.06.2023 executed between the plaintiff and the defendants was null and void being illegal, void *ab initio*, based on fraud and not binding on the plaintiff with consequential relief of mandatory injunction. The defendants in the said suit for declaration are Sh. Ravi Jindal and Sh. Ramesh Garg. Subsequently, on 15.02.2024, Sh. Ravi Jindal and Sh.

Ramesh Garg, who are defendants in the suit for declaration, filed a suit for possession by way of specific performance of agreement to sell dated 28.06.2023. The petitioner herein, who is the plaintiff in the suit for declaration, filed an application under Section 10 read with Section 151 CPC for staying the proceedings in the subsequent suit filed for specific performance on the ground that the subject matter of the suit is the same and the parties are also the same and since the suit for declaration had been filed at an earlier point of time, the subsequent suit ought to be stayed. The said application was dismissed vide the impugned order. The Trial Court vide the impugned order held that though the parties in the two suits are the same, however, the relief claimed in both the suit is different.

3. Notice of motion in the present case was issued on 11.07.2024 when the following order was passed :

*“Learned counsel for the petitioner would contend that both the suits i.e. the previous suit (Annexure P-8) and the present suit (Annexure P-11) are qua the same agreement to sell. In the earlier suit filed by the petitioner herein, declaration has been sought that the agreement to sell dated 28.06.2023 was null, void and illegal and the second suit filed by the respondents herein was for specific performance of agreement to sell dated 28.06.2023.*

*For the purpose of exploring the possibility whether both the suits can be clubbed and heard together, notice of motion returnable 29.07.2024.*

*Dasti as well. Liberty is granted to the petitioner to serve the respondents through the counsel representing them before the Court concerned.”*

4. Learned counsel for the parties are *ad idem* that both the suits may be clubbed as the issue involved therein revolves around the agreement to sell dated 28.06.2023. While the petitioner is seeking cancellation of the same in his suit for declaration, the respondents in their suit are wanting specific performance of the said agreement to sell. Both the counsel have informed the Court that both the suits are now pending before the same Court.

5. In view of the above, without commenting upon the merits of the case, the present revision petition is disposed off with a request to the Trial Court to consolidate both the suits and decide the same in accordance with the law. Pending applications, if any, also stand disposed off.

29.04.2025  
jk

( ALKA SARIN )  
JUDGE

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