

(1998) 08 P&H CK 0124

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 639 of 1993 (O and M)

Ram Singh

APPELLANT

Vs

Rattan Chand

RESPONDENT

Date of Decision : 25-08-1998

Acts Referred:

East Punjab Urban Rent Restriction Act, 1949 — Section 13, 15(5)

Citation : (1999) 4 CivCC 269 : (1998) 120 PLR 790 : (1999) 1 RCR(Rent) 625

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : Amarjit Markan, for the Appellant; Manu Bhandari, for the Respondent

Final Decision : Allowed

Judgement

G.C. Garg, J.—Respondent herein filed a petition u/s 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the petitioner-tenant herein. The petitioner moved an application that another ejectment petition, Rent Petition 32 of 2.6.1989 filed by one Ashok Kumar against him may be ordered to be consolidated with the present ejectment petition. Rent Petition No. 33 of 2.6.1989. It was averred that in both the petitions, issues are the same and question of law is also the same. The evidence to be led in the two petitions is also the same. The application was resisted by the respondent. Learned Rent Controller on a consideration of the matter came to the conclusion that parties in the two petitions are different and even the property is also different and the rent notes allegedly executed by Ram Singh, tenant are also different. He consequently dismissed the application by order dated 16.1.1993. Hence this, revision at the instance of the tenant.

2. Learned counsel for the petitioner submitted that Rain Singh petitioner herein is a tenant in two shops, one owned by Rattan Chand, the present respondent and the other by Ashok Kumar. These landlords filed two separate petitions for ejectment of Ram Singh from the shops in question on the same grounds Issues

framed in the two petitions are the same and the evidence required to be led in the two petitions is also the same. Learned counsel submitted that since a common question of law and fact is involved in the two petitions, the same deserve to be consolidated and disposed of together by one judgment. He in support of his submission placed reliance on a judgment of this Court in *Sohan Singh and Ors. v. S.S. Jain Girls School Committee (Regd.)*, Ludhiana 1977 (2) R.L.R. 849, In the reported case, three ejectment applications were sought to be consolidated and decided together. Landlord in the three petitions was the same whereas the tenants were different. The ejectment was sought on the same grounds. In the reported case, the application for consolidating the three ejectment petitions was moved by the landlord. It was held by this court that the tenants would not suffer in any manner if all the three, ejectment petitions are ordered to be consolidated and disposed of together. In that view of the matter, this petition is allowed and the impugned order is set aside. Rent Petition 32 of 2.6.1989 titled as "Ashok Kumar v. Ram Singh" is ordered to be consolidated with the Rent Petition 33 of 2.6.1989 titled as "Rattan Chand v. Ram Singh". The Rent Controller shall now dispose of the two petitions aforesaid together by one order in accordance with law. No costs.