



2025 :DHC :2903



\$~61

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 24th April, 2025**

+ **CM(M) 1925/2023 & CM APPL. 60263/2023**

SHIV RAJ SINGH

.....Petitioner

Through: **Mr. Rajiv Kumar Ghawana and Mr. Sachin Chaudhary, Advocates.**

versus

PREETI JAIN

.....Respondent

Through: **Mr. Sarthak Jain and Mr. Kamal Jain, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The grievance in the present petition is *qua* the denial of consolidation of two cases.
2. The petitioner/plaintiff Mr. Shiv Raj Singh has filed a suit (CS No.611970/2016) and by virtue of the abovesaid suit, plaintiff i.e. Shiv Raj Singh is seeking declaration, cancellation and injunction which relates to one shop situated at 2/28 Roop Nagar, Delhi.
3. The abovesaid suit is prior in time.
4. Another cross-suit has been filed by Ms. Preeti Jain and such suit (CS No. 611481/2016) seeks damages and mesne profits for illegal possession/trespass. It also relates to the very same shop.
5. Fact remains that, the plaintiff therein i.e. Ms. Preeti Jain, had moved applications seeking amendment in her suit and in context thereto, two petitions under Article 227 of Constitution of India are pending adjudication



2025 :DHC :2903



before this Court.

6. Both the above suits are pending consideration before the same Court.

7. When the learned Trial Court had taken up both the suits on 13.07.2023, it refused to consolidate the same for the purposes of recording of evidence, observing that if the evidence is recorded in a consolidated manner, it may lead to complication.

8. Special Power of Attorney holder of respondent Ms. Preeti Jain submits that he has no objection if the request of consolidation is allowed. He submits that the best endeavour would be made to ensure that once both the suits are consolidated for the purposes of evidence, there is no scope of any complication or confusion of any nature whatsoever.

9. Even, learned counsel for the petitioner assures in this regard.

10. In view of the above, the petition is disposed of with the direction that as and when the issues are framed in both the suits, and the cases are fixed for the recording of evidence, the learned Trial Court may record the evidence in consolidated manner.

11. The petition stands disposed of.

12. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

APRIL 24, 2025/ss/js