2025:HHC:35793

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No.325 of 2023
Decided on 28th October, 2025

Hardeep Singh

…Petitioner

Versus

Manohar Lal and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting? Yes

For the petitioner	**:**	**Mr. Sanjeev Kuthiala, Senior Advocate, with Ms. Tamanna Sharma, Advocate.**
For the respondents	**:**	**Mr. Sanjeev Sharma, Advocate, for respondent No.1.** **Proforma respondents No.2 & 4 to 6 are ex parte.** **Proforma respondent No.3 is stated to be dead.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has prayed for the following reliefs:-

a) *"To call for the records of the case pertaining to the Civil Suit titled as Manohar Lal vs. Hardeep Singh and others; Manohar Lal vs. Gurmail Singh and another; Manohar Lal vs. Smt. Rano Devi and civil suit titled as Hardeep Singh vs. Manohar Lal and other pending before the ld. Court below and after examining the legality and propriety of the impugned orders dated 25.04.2023 (Annexures P-7 & P-20), the same be pleased to be quashed and set aside.*

b) After setting aside the impugned orders dated 25.04.2023 (Annexures P-7 and P-20) to allow the application moved by the petitioner/defendant under Section 151 of the CPC for clubbing/consolidating the aforementioned suits together."

2. Learned Senior Counsel for the petitioner on instructions submits that the petitioner shall be pressing Annexure P-20 and be giving up Annexure P-7 because of technical reasons. Accordingly, this petition is treated as preferred against the order passed by the learned Trial Court in the application filed for consolidation of cases, decided on 25.04.2023 in Civil Suit titled as Hardeep Singh v. Manohar Lal and others.

3. Heard.

4. Having perused the impugned order, in terms whereof, the application of the petitioner for consolidation and clubbing of four civil suits stand dismissed, this Court is of the considered view that the same is not sustainable in the eyes of law.

5. The application has been dismissed by the learned Trial Court by assigning the reason that there is no provision provided for clubbing of cases involving common issues and the

only provision in this regard is Section 10 of the Civil Procedure Code which does not allows/clubbing. This Court is of the considered view that the learned Trial Court has completely misdirected itself by returning the findings that there is no concept of consolidation or clubbing the cases.

6. Section 10 of the Civil Procedure Code has got nothing to do with the issue of clubbing or consolidating the cases, because, the same relates to the principle of res-subjudice, wherein, a subsequent suit filed between the same parties on the same cause has to be stayed in the light of the pendency of the earlier suit.

7. Clubbing and consolidation of the cases is permissible, in case, the parameters to do so are met in terms of the prayer made and it is not as if the cases can either not be consolidated or clubbed as has been observed by the learned Trial Court. In order to avoid multiplicity of recording of evidence etc., as also the adjudication in isolation of one *lis* which may have bearing on the other *lis*, cases are clubbed and consolidated. But as observed hereinabove this depends upon the facts involved in the case(s) concerned and there is no

straight jacket formula that every such application has either to be allowed or rejected as has been done by the learned Trail Court by observing that there is no provision for clubbing or consolidation of cases.

8. In light of the above observations, as the impugned order is not sustainable in the eyes of law, the same is quashed and set aside and the application filed for clubbing and consolidation of the cases is ordered to be revived with direction to the learned Trial Court to decide the same on the basis of the contents of the application. It is clarified that this Court has not made any observation as far as the merit of the application is concerned and the same be decided by the learned Trial Court on its own merit in light of the reply filed thereto by the other party. Parties through counsel to appear before the learned Trial Court on 17.11.2025. It is further clarified that Annexure P-7, shall not come in the way of the learned Trial Court in deciding the application afresh on merit.

(Ajay Mohan Goel)
Judge

October 28, 2025
(Vinod)