

JAGMOHAN KAPOOR Vs. MANJU PAHWA AND ORS

23.07.2024

Present : Sh. Shiv Kumar and Sh. Sanjeev Tomar, Ld. Counsel for Plaintiff.
Defendants no. 1 and 2 in person with Ld. Counsel
Sh. Hemant Sharma (*on wheelchair*), Ms. Archana Kumari
and Sh. Prabhanjan Jha.

In between, an application under Section 151 CPC has been filed by the Defendants no.1 and 2 for consolidation of the present suit along with CS No. 605/2023 titled as 'Manju Pahwa and ors. v. Jagmohan Kapoor and anr.' on 08.05.2024.

In between, evidence by way of affidavit of Plaintiff alongwith list of witnesses and reply to the Defendants no. 1 & 2's application under Section 151 CPC filed by Plaintiff on 15.07.2024.

Arguments heard on Defendants no. 1's application under Section 151 CPC. Record perused.

Ld. Counsel for Defendants submits that their clients are the Plaintiffs in CS no. 605/2023 and the said suit was for possession, mandatory and permanent injunction and mesne profits.

Ld. Counsel for Defendants submits that in both the suits depends upon the Will dated 11.09.2021, executed by Sh. Jaswant Rai Kapoor (now deceased) with respect of same suit property. Ld. Counsel further submits that instant suit is for declaration of said Will as null and void and for partition and for permanent injunction. Ld. Counsel further submits that all the parties are siblings and both the

matters are at the stage of evidence of Plaintiff (*respectively in both matters*).

Considering the facts and circumstances, the aforesaid application is **disposed off** as allowed and present suit is clubbed with CS No. 605/2023 titled as 'Manju Pahwa and ors. v. Jagmohan Kapoor and anr.' for recording of evidence of the both parties. It is made clear that **CS No. 605/2023 titled as 'Manju Pahwa and ors. v. Jagmohan Kapoor and anr.'** is treated as **main suit**.

Both the parties are at liberty to file consolidated affidavits.

Evidence shall be recorded in main suit and copy shall be placed in the other file.

Ld. Counsel for defendants seeks an adjournment to lead evidence.

On his request, matter stands adjourned.

Put up on 08.10.2024 (with the main file i.e .CS No. 605/2023)

(MOHAMMAD EHTESHAM)
District Judge-03 (Shahdara),
KKD Courts, Delhi. 23.07.2024.