

ORDER BELOW EXH. 20
(Passed on 03/12/ 2018)

The present application is moved by the plaintiff for joint trial of matter along with RCS no. 68/2014 pending in this court. According to him, present suit is filed for injunction against defendants against the order of Tahsildar, Chakur. The similar suit RCS no. 68/2014 is also pending against the other defendants for the same cause of action and against the order of Tahsildar Chakur. Hence as the suit property is same, plaintiff is same and relief is also same, plaintiff prayed for clubbing both the suits i.e. this suit along with RCS no. 68/2014. On the other hand learned advocate for defendant did not file any say on this application in spite of giving proper opportunity.

2. Heard learned advocate for plaintiffs, perused the record and documents. RCS. no. 68/2014 is filed for injunction against defendants from creating new way through suit land Gat no. 207 of village Ambulga Tq. Chakur. Whereas Suit no. this suit filed by same plaintiff against the order of Tahsildar Chakur under section 143 of M.L.R.Code in file no. 2014/JM-IROR 39. The order of Tahsildar is also pertaining to Gat no. 207 of village Ambulga Tq. Chakur. Both the suits are pending in same court.

3. Hence the suit property is same, plaintiff is same, cause of action is also same. Merely the date of cause of action is different is not fatal the application. Moreover, considering arguments advanced by both the parties it also appears that one recently RCS no. 122/2018 is also pending which is filed by defendant in RCS no. 32/2016. Considering all these facts it would be convenient to heard both the matter together to avoid conflicting order or judgments. Hence, following order.

ORDER

1. Application is allowed.
2. The RCS. No. 32/2016 and RCS 68/2014 pending both in this court is hereby tried together.

Date : 03.12.2018.

(Y.D. Koinkar)
Civil Judge(Jr.Dn.),
Chakur