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

+ **CS(OS) 413/2020 and I.A. 6711/2024**

SHRI KAILASH NATH KHANNA Plaintiff

Through: Mr. Amit Andlay, Adv.

versus

M/S APPLE BUILD HOMES LLP & ORS. Defendants

Through: Mr. Rajender Aggarwal, Adv. for D-1
(M- 9810651681)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.03.2024**

1. This hearing has been done through hybrid mode.

I.A. 6711/2024

2. This is an application filed by the Plaintiff-Kailash Nath Khanna seeking consolidation of the present suit with the following suits:

- ***CS(OS) 606/2019*** titled '***M/s Apple Build Homes LLP & Ors. vs. Shri Kailash Nath Khanna & Ors.***
- ***CS(OS) 3369/2015*** titled "***Kailash Nath Khanna v. Ishwar Nath Khanna & Ors.***

3. All the three suits relate to property bearing no.8, Rajpur Road, Delhi. Ld. Counsel for Defendant No. 1 opposes the consolidation on the ground that in the initial injunction suit bearing ***CS (OS) No. 3369/2015*** filed by the Plaintiff, no proper relief was sought and the issues are yet to be framed. However, in the partition suit, i.e. suit bearing ***CS (OS) No. 606/2019*** issues



have been framed and affidavits in evidence have been filed. In the present suit also, issues are yet to be framed. He, therefore, submits that the consolidation could lead to delay in the adjudication of the partition suit filed by his client.

4. Considering that all three suits relate to the same property, the Court is of the opinion that the partition suit i.e. suit bearing **CS (OS) No. 606/2019** where the Defendants have sought partition of the same property, can be considered as the lead suit. Accordingly, let all three suits be listed on the next date of hearing. In the suits, where issues are yet to be framed, the issues shall be framed and evidence shall be led in the partition suit as the lead suit.

5. Application is disposed of.

CS(OS)-413/2020

6. List on 29th April, 2024.

7. On the said date, all the pending applications shall be considered.

PRATHIBA M. SINGH, J.

MARCH 21, 2024

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