



\$~71

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

+ **CS(OS) 413/2020**

SHRI KAILASH NATH KHANNA

.....Plaintiff

Through: Mr. Amiet Andlay and Mr. Arun
Kumar Sharma, Advs.

versus

M/S APPLE BUILD HOMES LLP & ORS.

.....Defendants

Through: Mr. Harish Malhotra Sr. Adv. With
Mr. Rajender Agarwal and Mr.
Anoop Kumar, Advs.
Mr. Shyam Sunder Sharma, Mr.
Sanjeev Kr. Baliyan, Ms. Asma and
Mr. Yash Yadav, Advs.
Mr. Rahul Negi, Proxy Counsel for
D-8A to 8C through VC
Mr. Arpit Dudeja, Adv. for D-9C
through VC

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.11.2025

%

I.A. 27184/2025

1. The present application has been filed under Section 151 CPC by the Plaintiff for consolidating CS (OS) No. 606/2019 titled "M/s Apple Build Homes LLP & Ors vs. Shri Kailash Nath Khanna & Ors." and CS (OS) No. 3369/2015 titled "Kailash Nath Khanna vs. Ishwar Nath Khanna & Ors.".
2. Learned Counsel for the Plaintiff places reliance on the Order dated 21.03.2024 passed by this Court to state that since the three suits already stand consolidated and therefore they should be listed together.
3. Relevant paragraphs of the Order dated 21.03.2024 reads as under:-



“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.”

4. In the opinion of this Court, the only direction contained in the Order dated 21.3.2024 was to list the three suits together, and not for consolidating the three suits.
5. Issue notice.
6. Let the files of all the three suits be placed before this Court to consider as to whether they should be consolidated together or not.
7. List on 11.12.2025.

SUBRAMONIUM PRASAD, J

NOVEMBER 3, 2025
Prateek