



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 19th OF SEPTEMBER, 2026

CIVIL REVISION No. 1059 of 2026

PARVEEN BHARGAVA

Versus

PIYUSH BHARGAVA AND OTHERS

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Appearance:

Shri Prashant Singh Kaurav - Advocate for the applicant.
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ORDER

Applicant is aggrieved by order dated 31/7/2026 passed by Principal District Judge, Gwalior in MJC No.149/2026, whereby, the request of applicant that Civil Suit No.7-A/18 and Civil Suit No.701-A/17 pending in the Court of 15th Civil Judge, Junior Division, Gwalior be consolidated and tried together with Civil Suit No.445-A/16 pending in the Court of 11th Additional District Judge, Gwalior, has been declined.

2. Applicant's counsel submitted that the main parties in aforesaid three civil suits are similar and the property involved therein are also similar. It is his submission that Civil Suit No.07-A/18 and Civil Suit No.701-A/17 have already been consolidated and therefore, it is in the interest of all the parties that the aforesaid two civil suits be tried together with Civil Suit No.445-A/16. He submitted that the finding of learned Principal District Judge that by consolidation, the parties in Civil Suit No.07-A/18 and Civil Suit No.701-A/17 shall lose their right of appeal, is incorrect inasmuch as



even when the suits are decided by District Judge, the parties will have a right to file an appeal before this Court. He thus, submitted that the impugned order be set aside and the application under Section 24 of CPC filed by applicant be allowed.

3. Considered the submissions.

4. Plaint of Civil Suit No.445-A/16 is placed on record as Annexure P/1. From reading of plaint, it transpires that Prakash Chandra Bhargava, grandfather of plaintiff- Piyush Bhargava, acquired certain properties all over the country and also established M/s Gwalior Ice Factory, M/s Bhargava Industries, Bhopal, M/s Refrigeration Industries and M/s The Ice Machinery Mart and other properties. Aforesaid Civil Suit has been filed by plaintiff- Piyush Bhargava for declaration of his share and seeking partition of the aforesaid family properties among the family members. The defendant no.1 is father, defendant no.2 is father's sister, defendant no.3 & 4 are brothers while defendant no.5 is the sister of plaintiff. It is thus, seen that the Civil Suit No.445-A/16 is a suit for declaration of share and for partition of the family properties.

5. Plaint of Civil Suit No.07-A/18 is placed on record as Annexure P/2. This Civil Suit is filed for liquidation and rendition of accounts of M/s Gwalior Ice Factory, which is defendant no.1 in the suit. This suit is also filed by Piyush Bhargava. Likewise, Civil Suit No.701-A/17 (Annexure P/3) is filed by Praveen Bhargava (applicant herein). In this suit also, the relief of liquidation of M/s Gwalior Ice Factory and for rendition of accounts is prayed for. Thus, the Civil Suit No.07-A/18 and Civil Suit No.701-A/17 are



in relation to the same reliefs and have accordingly been consolidated.

6. Relief in Civil Suit No.445-A/16 is however entirely different from the relief as prayed for in aforesaid two civil suits. This Civil Suit relates to partition of various family properties, one of which is M/s Gwalior Ice Factory. On the other hand, the other two civil suits i.e. Civil Suit No.07-A/18 and Civil Suit No.701-A/17 are concerned with liquidation and rendition of accounts of only M/s Gwalior Ice Factory. Thus, not only the parties but also the cause of action and the relief prayed for, are entirely different.

7. Learned Principal Judge is justified in observing that if two civil suits pending before the Civil Judge are consolidated with the civil suit pending in the Court of District Judge, the parties before the Civil Judge would lose their right of one appeal. This itself may not be a ground for denying the relief of consolidation, if the subject matter and the relief prayed for are same. However, as observed above, in the present case, the parties, cause of action and the relief prayed for, everything is different in Civil Suit No.445-A/16 and other two civil suits. Therefore, it would not be proper to deprive the parties in suits before Civil Judge of their right of appeal.

8. The Hon'ble Apex Court in the case of *Chitivalasa Jute Mills Vs. Jaypee Rewa Cement*, reported in (2004)3 SCC 85, while dealing with an issue of consolidation of suits, held as under:

"12. ...Consolidation of suits is ordered for meeting the ends of justice as it saves the parties from multiplicity of proceedings, delay and expenses. Complete or even substantial and sufficient similarity of the issues arising for decision in two suits enables the



two suits being consolidated for trial and decision. The parties are relieved of the need of adducing the same or similar documentary and oral evidence twice over in the two suits at two different trials. The evidence having been recorded, common arguments need to be addressed followed by one common judgment. However, as the suits are two, the court may, based on the common judgment, draw two different decrees or one common decree to be placed on the record of the two suits. This is how the trial court at Visakhapatnam shall proceed consequent upon this order of transfer of suit from Rewa to the court at Visakhapatnam."

Thus two suits can be, and should be, consolidated when the issues involved are similar, if not same, and the common evidence recorded for both suits and the common arguments will be sufficient to decide the suits. As observed above, the issues involved in both the suits, in the case in hand, are different. The evidence to be recorded therein, would also be different inasmuch as in one case, the evidence would be about partition of family properties and in other suit(s) the evidence would be of liquidation of firm and for rendition of its accounts. Therefore, the requirements for consolidation of suits is not met.

9. Considering the aforesaid, Principal District Judge, did not commit any mistake in rejecting the applicant's application under Section 24 of the CPC. Consequently, the revision fails and is hereby **dismissed**.

(ASHISH SHROTI)
JUDGE