



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 315 OF 2021

Sat Narain Vats

...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 01.06.2022

Hearing: 7th

Present: - Ms. Nidhi Jain, Ld. Counsel for the complainant through VC.

Mr. Shubhnit Hans, Ld. Counsel for the respondent through VC.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Admittedly present case is pending before Ld. District Consumer Disputes Redressal Forum, Sonapat.

2. Learned counsel for the respondent has challenged maintainability of present complaint on the ground that complainant has already filed a similar consumer complaint which is still pending before Ld.

District Consumer Disputes Redressal Forum, Sonapat with respect to the same project raising grievances arising out of same cause of action.

3. Learned counsel for the complainant stated that only some of the reliefs sought in the present complaint are similar to reliefs sought before Ld. District Consumer Disputes Redressal Forum, Sonapat and sought time to file rejoinder.

4. Authority vide its order dated 02.09.2021 had expressed its prima facie opinion that as per rule laid down in Order 2 Rule 2 Code of Civil Procedure 1908, plaintiff cannot split one cause of action into parts so as to bring separate suits in respect of those parts. Purpose of this rule is to ensure that no defendant is sued and made to contest twice in respect to the same cause of action and to prevent a plaintiff from splitting of claims and remedies based on the same cause of action. Nevertheless, it does not bar a second suit based on a different and diverse cause of action, therefore, Authority granted parties an opportunity to demonstrate that the second suit is based on the same or different cause of action. Authority also directed complainant to file copy of record pertaining to complaint pending before Ld. District Consumer Disputes Redressal Forum, Sonapat, to examine whether issues pending before Ld. District Consumer Disputes Redressal Forum, Sonapat are similar in nature to reliefs sought from the Authority through this present complaint.



Case was adjourned to 10.11.2021 for arguments by the complainant on maintainability of the present complaint.

5. Today, learned counsel for complainant reiterated plea given by her on 02.09.2021 that only some of the reliefs sought in the present complaint are similar to reliefs sought before Ld. District Consumer Disputes Redressal Forum, Sonapat and sought time to file rejoinder and copy of record pertaining to complaint pending before Ld. District Consumer Disputes Redressal Forum, Sonapat.

6. Learned counsel for respondent objected to grant of further time to complainant to file rejoinder and copy of record pertaining to complaint pending before Ld. District Consumer Disputes Redressal Forum, Sonapat on the ground that despite several opportunities given to complainant, he has failed to place aforementioned documents on record.

7. Despite repeated opportunities granted by Authority on 10.11.2021, 07.12.2021, 08.02.2022, complainant has failed to comply with order dated 02.09.2021. Complainant has also failed to file rejoinder and copy of record pertaining to complaint pending before Ld. District Consumer Disputes Redressal Forum, Sonapat.

In such circumstances, Authority observes that complainant cannot seek reliefs in piecemeals from two different fora simultaneously because one issue in one forum might have bearing on other issues pending before other



forum, leading to conflicting decisions. As per rule laid down in Order 2 Rule 2 Code of Civil Procedure 1908, plaintiff cannot split one cause of action into parts so as to bring separate suits in respect of those parts. Purpose of this rule is to ensure that no defendant is sued and made to contest twice in respect to the same cause of action and to prevent a plaintiff from splitting of claims and remedies based on the same cause of action. Therefore, to prevent multiplicity of the proceedings and chances of having conflicting/overlapping judgments by the two Courts as per the doctrine of 'res sub judice', the present complaint is **dismissed** with a liberty to file afresh, incase complainant withdraws his complaint from Ld. District Consumer Disputes Redressal Forum, Sonipat. File be consigned to the record room and order be uploaded on the official website.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]