

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No. 4591 OF 2015

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ORDER :

This Civil Revision Petition is filed by the petitioners against order dated 10.04.2015 in Tr.O.P.No.78 of 2012, wherein the Principal District Judge has allowed the Tr.O.P.No.78 of 2012 filed by the 1st respondent herein for transfer of O.S.No.430 of 2011 from the Court of the Principal Junior Civil Judge, Nandyal to the II Additional Senior Civil Judge, Nandyal to be tried along with O.S.No.52 of 2012.

Learned counsel for the petitioners Sri G.Sravan Kumar submits that the issues in both the suits are different and cause of action is also different, as such, the Court below has erroneously allowed the Transfer O.P filed by the 1st respondent herein.

Learned counsel appearing for the 1st respondent

Sri B.S.Reddy submits that the 5th respondent has filed the suit against the 1st respondent for return of money paid in pursuant to the agreement of sale entered into by the 1st respondent in favour of the 5th respondent on the ground that the 1st respondent has no title over the suit schedule property. Therefore, the findings in the OS No.430 of 2011 filed by the petitioners for partition will have bearing while disposing of the OS No.52 of 2012 filed by the 5th respondent. He also submits that schedule of property in agreement of sale entered into by the 1st respondent in favour of 5th respondent is similar to that of the suit schedule property in O.S.No.430 of 2011.

Though, notices have been served on other respondents, none appeared on their behalf.

It is to be seen that the suit schedule property in both the suits is one and the same. According to the petitioners herein, they themselves have filed I.A for impleading the 5th respondent in O.S.No.430 of 2011. In both the suits, parties

are also common. The issues framed in both the suits may not be similar, but the decision in one case affects the other case. Therefore, it cannot be said that the impugned order is passed erroneously. Learned counsel for the petitioner has not brought to my notice any infirmity or illegality in the order passed by the Court below. In view of above facts and circumstances, I do not see any merit in the Civil Revision Petition and same is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in this CRP shall stand dismissed.

A.RAJASHEKER REDDY, J

21.12.2015

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP.No.4591 OF 2015

Date:21.12.2015

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