

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3656 of 2015

ORDER:

The petitioners herein are the defendants 2 to 4 in O.S.No.161/2014 on the file of the Court of the learned VII Additional District Judge, Gudur. The said suit was filed by respondent No.1 herein for declaration of title and recovery of possession in respect of Ac.3.75 cents situated in Manga Nelluru Village, Sullurpet Mandal, Sri Potti Sriramulu Nellore District. The present petitioners 2 and 3 filed O.S. No.322/2011 on the file of the Court of the learned Senior Civil Judge, Gudur, seeking partition of three items of property situated in the same village, but with different extents.

The present application in I.A. No.143/2015 is filed by the plaintiffs in O.S. No.322/2011, seeking stay of further proceedings in O.S. No.161/2014 on the ground that the property covered by the suit for declaration of title and recovery of possession is a part of property in O.S. No.322/2011. The trial Court held that the evidence was completed in O.S.No.161/2014, which was initially filed as O.S. No.100/2010 on the file of the Court of the learned VI Additional District Judge, Nellore, and accordingly, dismissed the present application. Since O.S. No.161/2014 is a suit for declaration of title and recovery of possession and O.S. No.322/2011 is a suit for partition, both the suits can be tried independently and the parties are not at a loss. The property covered by the suit for declaration of title is only an extent of Ac.3.75 cents whereas the property covered by a suit for partition is a larger extent.

In the above circumstances, the order of lower Court in dismissing I.A. No.143/2015, dated 27.07.2015, does not warrant any interference.

Accordingly, this Civil Revision Petition is dismissed. There

shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision
Petition shall stand closed.

A.RAMALINGESWARA RAO, J

10.12.2015

MVA