

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.3007 OF 2015

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ORDER:

This revision petition is filed against the order dated 18.06.2015 passed by the Principal District Judge, Kurnool, in T.O.P.No.65 of 2014, wherein the Court below has dismissed the said OP which was filed to withdraw OS.No.242/2009 from the file of Principal Junior civil Judge, Adoni and transfer it to the file of the Senior Civil Judge, Adoni to be tried along with OS.No.152 of 2014.

The case of the petitioners is that the petitioners herein filed OS.No.249 of 2009 for simplicitor injunction against respondents 3 to 8 herein and pending the same since the respondents 3 to 8 have alienated the suit schedule property in favour of respondents 1 and 2 herein, the petitioners have filed a comprehensive suit for declaration of title and injunction in OS.No.152 of 2014 on the file of Senior Civil Judge, Adoni against respondents 1 to 8 herein in respect of the same suit schedule property. It is stated that though the property, relief sought and parties in both the suits are one and the same, except respondents 1 and 2, who are subsequent purchasers and added in OS.No.152 of 2014, the trial Court instead of allowing the T.O.P.No.65 of 2014, has dismissed the same.

Heard learned counsel for the petitioners.

Though notice is served on the respondents, none appeared.

In this case, admittedly as per the impugned order the suit

schedule property in OS.No.242/2009 and 152/2014 is one and the same. The defendants in OS.No.242/2009 are also defendants in OS.No.152/2014. Since the respondents 3 to 8 herein who are defendants in OS.No.242/2009 alienated the suit schedule property pending the suit to respondents 1 and 2 herein, the petitioners filed OS.No.152/2014 adding the respondents 1 and 2 herein, for declaration of title and injunction. The only ground on which the trial Court dismissed the T.O.P is that there is a direction from this Court to dispose of the OS.No.242/2009, by fixing certain time. When a comprehensive suit in OS.No.152 of 2014 is pending and the subject matter, and parties in the said suit are similar to that of OS.242/2009 it is appropriate that both the suits are tried together in order to save time of atleast one Court and to avoid conflict of decisions. In view of the above, I do not see any reason as to why OS.242/2009 shall not be transferred and tried along with OS.No.152/2014.

Accordingly, the CRP is allowed setting aside the impugned order dated 18.06.2015 passed by the Principal District Judge, Kurnool, in T.O.P.No.65 of 2014. The Court below is directed to try OS.No.242/2009 along with OS.No.152/2014 which is pending on the file of Senior Civil Judge, Adoni and dispose of both the suits as expeditiously as possible. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

01.10.2015
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