

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.Nos.365 and 367 of 2014

COMMON ORDER :

These petitions are filed to withdraw O.S.No.1538 of 2013 from the file of IV Junior Civil Judge, City Civil Court, Hyderabad, and transfer the same to Principal Rent Controller, Hyderabad and to be tried along with R.C.No.259 of 2012 filed for eviction and R.C.No.260 of 2012 filed for fixation of fair rent.

2. Petitioner herein is tenant and according to his affidavit, the landlord filed two rent control petitions, one for eviction and the other for fixation of fair rent and both the cases are pending before Principal Rent Controller, Hyderabad, and to harass the tenant, respondent-landlord with the help of Greater Hyderabad Municipal Corporation (GHMC) tried to demolish the schedule property and for that petitioner was constrained to file O.S.No.1538 of 2013 for perpetual injunction and the same is pending before IV Junior Civil Judge, City Civil Court, Hyderabad, and as the parties are same and the facts are similar and the schedule property is same, to avoid multiple adjudications, O.S.No.1538 of 2013 may be transferred to Principal Rent Controller, Hyderabad.

3. Other side has not filed any counter.

4. Heard arguments.

5. Advocate for petitioner submitted that as the

property is the same and that it is the second round of litigation and as the landlord failed in his attempts for eviction, now with the help of GHMC, threatening petitioner with demolition to make him vacate, therefore, all the matters have to be tried by one Court and no prejudice would be caused to the opposite party if the cases are tried by one Court.

6. I have perused the material papers. The enquiry contemplated for fixation of fair rent and eviction are different and distinct with the enquiry contemplated in an injunction suit. The cause of action for both the matters are different, so also the point that has to be decided in Rent Controller cases and the suit are different and there cannot be any possibility of conflicting opinions. For these reasons,

I am of the view that the request for transfer cannot be considered and both the matters can be tried separately and there cannot be any common trial of O.S.No.1538 of 2013 and the Rent Control Cases.

7. For these reasons, transfer C.M.P.Nos.365 and 367 of 2014 are dismissed. No costs in both transfer C.M.Ps.

8. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

6th March 2015

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