

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE TWENTYTHIRD DAY OF DECEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CRP.NO. 4835 OF 2015

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Between:

B. Narasimhulu & Anr. ... Petitioners

V/s.

T. Venkateswarlu ... Respondent

Counsel for the Petitioners : Sri Raja Gopallavan Tayi

Counsel for the Respondent: None appeared

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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CRP.NO. 4835 OF 2015

ORDER:

Heard learned counsel for the petitioners. In spite of service of notice, none appears for respondent/plaintiff.

2. The Revision Petitioner through I.A.No. 144 of 2015 in O.S.No. 139 of 2013 prayed for the following relief :

a] conduct the joint trial of above suit along with the O.S.No.114 of 2013.

b] and pass such other further reliefs which may be fit and proper.

3. The trial court, which is ceased of both the suits, rejected the prayer and the order reads as follows :

As one plaintiff and an attestor is same and that he took plea of forgery.

The learned counsel for respondent filed counter that defendants in both suits are different, that transaction is different under both suits. That trial has commenced in one suit and in another suit, the trial is yet to commence and prays to dismiss the I.A.

Perused the record. As seen from the records, as trial has already commenced in one suit and trial is to commence in other suit. Also the parties and transaction is different. Giving weight to the contention of respondent and to avoid delay in proceedings in both suits, this petition is dismissed without costs.

Hence, the Revision.

4. The petitioners submit that plaintiff and first defendant in OS.No. 139 of 2013 and OS.No. 114 of 2013 are one and the same. The distinction insofar as array of parties is concerned, it is

admitted that in OS.No. 139 of 2013 co-employee of the first defendant is arrayed as second defendant and in OS.No.114 of 2013 the wife of first defendant is arrayed as second defendant. The trial court has taken note of these distinguishing features as well and for the reasons already reproduced, declined to exercise its discretion to conduct joint trial of both the suits.

5. Learned counsel for the petitioners tried to persuade me by drawing attention to the copies of the plaint and written statement. With the assistance of the learned counsel, I have appreciated the case of the parties. Through the order impugned in the Revision, the trial court, by keeping in mind the convenience and also the stage of the matter declined to order I.A.No. 144 of 2015. After perusing the plaint, written statement, etc., of both cases, I am of the view that the discretion is rightly exercised by the trial court.

6. The Revision fails and is accordingly dismissed. No order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

23/12/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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