

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2823 of 2015

Date: 17-12-2015

Between:

Sri Sudha Chaitanya Vidyalaya Trust, represented

By its Managing Trustee and another

.... Petitioners

AND

Nadimpalli Vijaya Lakshmi and 8 others

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2823 of 2015

ORDER:

-

The plaintiffs in O.S.No.24 of 2009, who filed the suit for declaration that the registered settlement deed dated 08-10-2008 executed by the 1st defendant in the suit in favour of the defendants 2 and 4 as null and void are the petitioners herein. The 4th defendant in the said suit filed a memo before the Court stating that she filed a separate suit for partition on the file of the same Court i.e. III Additional District Judge, Bhimavaram and it was numbered as O.S.No.21 of 2014. She further stated that the said suit is posted for issues on 17-04-2015 and the suit property in the said suit and the property in the present suit are one and the same and there are other items in O.S.No.21 of 2014 which was filed for partition. She asked for clubbing of both the suits and adducing evidence in

O.S.No.24 of 2009. The said memo was allowed by the III Additional District Judge by his order dated 17-06-2015, challenging which the present Civil Revision Petition is filed.

Learned counsel for the petitioners submits that the issue with regard to the settlement deed has nothing to do with the partition of the property and both the suits cannot be clubbed together. Learned counsel for the respondents, on the other hand, submits that the property covered by the settlement deed is one of the items of the property in O.S.No.21 of 2014 and in fact the property covered by the settlement deed was given on lease to the plaintiffs for running a school and the plaintiffs cannot claim any right over the suit property. He further submitted that the 2nd plaintiff who is the Managing Trustee of the Trust is one of the sharers and he was arrayed as 3rd defendant in O.S.No.21 of 2014. O.S.No.21 of 2014 is posted for issues on 17-04-2015, whereas O.S.No.24 of 2009 is coming up for trial.

In view of the above facts, I am of the opinion that the order dated 17-06-2015 passed by the III Additional District Judge, Bhimavaram in clubbing both the suits and conducting a common trial does not warrant any interference and the Civil Revision Petition is, accordingly, dismissed. No costs.

A.

RAMALINGESWARA RAO, J

Date: 17-12-2015

Ksn