THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION NO.594 OF 2015

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ORDER:

This Civil Revision Petition is filed against the order, dated 11-12-2014 in O.P.No.259 of 2014 on the file of the Principal District Judge, Ranga Reddy District.

2. Petitioners herein are the plaintiffs, whereas the respondent herein is the defendant in O.S.No.1342 of 2003 on the file of the III Additional Senior Civil Judge, Ranga Reddy District.

3. Petitioners herein filed O.S.No.1342 of 2003 against the respondent herein for perpetual instruction in respect of agricultural land of an extent of Ac.10.12 gts in Sy.No.42AA of Pocharam village, Ghatkesar Mandal, Ranga Reddy District. Similarly, O.S.No.1360 of 2003 was filed by one K.R.K.Murthy and five others against the respondent herein for the relief of perpetual injunction in respect of various extents of land in Sy.Noas.42 and 60 of Pocharam village. The respondent herein filed O.S.No.1294 of 2003 against the 2nd petitioner herein and another for the relief of perpetual injunction in respect of land of an extent of Ac.17.12 gts in Sy.Nos.38 and 39 of Pocharam village. The trial in the said suits was completed and the suits are coming up for arguments.

4. When the suits were pending before the I Additional Senior Civil Judge and Principal Senior Civil Judge, Ranga Reddy District, respondent herein filed Transfer O.P.No.13 of 2004 before the learned District Judge, Ranga Reddy District seeking transfer of O.S.No.1342 of 2003 filed by the 1st petitioner herein and O.S.No.1360 of 2003 filed by K.R.K.Murthy and five others to be tried along with O.S.No.1294 of 2003 filed by him. The said Transfer O.P. was allowed on 31-03-2004 and all the suits were clubbed and joint trial was conducted by the learned III Additional Senior Civil Judge, R.R. District. By virtue of docket order, dated 22-01-2007, common evidence was let in, in O.S.No.1294 of 2003.

5. It appears that the respondent herein filed O.S.No.1601 of 2013 against the petitioners herein for declaration of title and recovery of possession in respect of the land of an extent of Ac.0.35 gts in Sy.No.38, Ac.1.20 gts in Sy.No.39 and Ac.0.05 gts in Sy.No.40 of Pocharam village. After filing the said suit for declaration of title and recovery of possession, he did not press O.S.No.1294 of 2003 insofar as the 2nd petitioner is concerned. Accordingly, docket order was passed on 10-07-2015 recording the statement of the respondent herein for not pressing the suit against the 2nd petitioner herein.

6. Now the present Transfer O.P. was filed by the respondent herein in April, 2014 praying the Court to withdraw O.S.No.1342 of 2003 which was filed for injunction by the 1st petitioner herein against the respondent herein, which is pending on the file of III Additional Senior Civil Judge, R.R. District and which is being tried along with two other suits by virtue of earlier transfer order, where common evidence was being recorded and transfer the same and club with O.S.No.1601 of 2013 filed by him and is pending on the file of Judge for SC & ST cases-cum-Additional District Judge, R.R. District. The said Transfer O.P. was allowed, vide order, dated 11-12-2014 on the ground that if both the suits are tried by two different Courts, there is likelihood of arriving at conflict of decisions and it will be convenient for the parties and their counsel to appear in both suits in one Court instead of in two courts on two different dates. Challenging the same, the present revision is filed.

7. It is clear from the facts that all the suits pending before the learned III Additional Senior Civil Judge are of the year 2003. All the suits were clubbed by virtue of Transfer O.P. filed by the petitioners and common evidence was recorded in O.S.No.1294 of 2003. Ten years later, the respondent herein filed O.S.No.1601 of 2013 in respect of a portion of land covered by the suit schedule property in O.S.No.1294 of 2003 and did not press the said suit against the 2nd petitioner herein. However, he has been continuing the suit as against the other defendants. The suits of the year 2003 are ripe for disposal as evidence was completed. At that stage, on a petition filed in O.P.No.259 of 2014, the learned Principal District Judge, R.R. District transferred O.S.No.1342 of 2003 filed by the 1st petitioner herein to be tried along with latter suit, which was filed by the respondent herein after 10 years. The principle of likelihood of arriving at conflict of decisions and inconvenience of the parties should have been seen by the learned District Judge in the light of the facts of the case, but not in a mechanical manner. The three suits, as already stated above, are ripe for disposal after completion of evidence. The latter suit filed after 10 years by the respondent herein is only in respect of a part of property covered by O.S.No.1294 of 2003 instituted by him and has

nothing to do with the suit schedule property in O.S.No.1342 of 2003. When the suit schedule property covered by O.S.No.1601 of 2013 has nothing to do with the suit schedule property covered by O.S.No.1342 of 2003, it is not known as to why the learned District Judge allowed the petition filed by the respondent herein. In the circumstances, the impugned order, dated 11-12-2014 in O.P.No.259 of 2014 on the file of the Principal District Judge, R.R. District is set aside. The learned III Additional Senior Civil Judge, R.R. District, before whom the three suits are pending, is directed to proceed with the said suits and dispose of the same in accordance with law.

8. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

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A.RAMALINGESWARA RAO, J

DATED: 23-11-2015

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