

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

C.R.P.No.5204 OF 2015

ORDER:-

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order, dated 07.10.2014, in I.A.No.2205 of 2014 in O.S.No.579 of 2010 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad.

2. Case of the petitioners is that they filed O.S.No.579 of 2010 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad against the respondents for partition, declaration of a gift settlement deed, dated 12.8.2010, as null and void, injunction and for final decree in pursuance of the preliminary decree. On the other hand, respondents have filed O.S.No.3261 of 2010 on the file of XIX Additional Junior Civil Judge, City Civil Court, Hyderabad against the petitioners for perpetual injunction and the same was later numbered as O.S.No.284 of 2014 on the file of XXV Additional Chief Judge, City Civil Court, Hyderabad. The petitioners have filed the aforementioned application under Section 151 C.P.C. seeking to club O.S.No.579 of 2010 and 284 of 2014 and conduct joint trial in both the suits, and the same was dismissed with costs. Challenging the same, the present Revision Petition is filed.

3. Heard learned counsel for the petitioners and perused the reasons recorded in the impugned order.

4. In fact, previously, some of the petitioners have filed Tr.O.P.No.177 of 2012 on the file of the Chief Judge, City Civil Court, Hyderabad against the respondents under Section 24 C.P.C. requesting to transfer O.S.No.3261 of 2010 from the file of XIX Additional Junior Civil Judge's Court, City Civil Court, Hyderabad to

the file of the II Additional Chief Judge's Court, City Civil Court, Hyderabad to try along with O.S.No.579 of 2010 and the same was allowed with a direction to try both the suits either simultaneously or along with the suit in O.S.No.579 of 2010. One suit is for partition and other reliefs, and the other one is for injunction simplicitor. Both the suits are of the year 2010 and they are coming up for trial. The issues in both the suits are not interrelated. In that view of the matter, there are no reasons to club both the suits. Having regard to the reasons recorded in the impugned order, there are no grounds to invoke the jurisdiction of this Court under Article 227 of the Constitution of India.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE R.SUBHASH REDDY

Date: 18.12.2015
AMD

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Dated: 18.12.2015

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