

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.5630 and 5638 of 2016

COMMON ORDER:

Heard both sides at length.

2. From the consensus arrived at by both sides in the course of hearing, the suit in O.S.No.666 of 2015 pending on the file of XXIV Additional Chief Judge, City Civil Court, Hyderabad, which is filed for the relief of declaration of title, recovery of possession and consequential injunction against 22 defendants at the stage of service of summons to some of the defendants and the suits in O.S.Nos.1550 of 2014 and 275 of 2015 pending on the file of XVII Senior Civil Judge, City Civil Court, Hyderabad, since already transferred to the XXIV Additional Chief Judge, City Civil Court, Hyderabad, to try along with O.S.No.666 of 2015.

3. However, from the submission that the XXIV Additional Chief Judge, City Civil Court, Hyderabad, is designated as Commercial Court and over-burdened with heavy pendency, this Court transfers all the three suits to the file of XIV Additional Chief Judge, City Civil Court, Hyderabad. the learned XXIV Additional Chief Judge, City Civil Court, Hyderabad, is thereby directed by virtue of this order to transmit the records of all the three suits forthwith to the file of XIV Additional Chief Judge, City Civil Court, Hyderabad, and the parties already put forth their appearance so far in the three suits are by virtue of this

order, shall appear before the XIV Additional Chief Judge, City Civil Court, Hyderabad, on 23.01.2017, without any further summons/ notices, but for to issue notices to those unserved defendants afresh by personal service through registered post with acknowledgment due, fixing maximum one month time and see that summons be served expeditiously and by fixing maximum time of three months to file any written statements and record any evidence after formulating necessary issues thereafter for disposal on merits before June, 2017. If practically there is any difficulty in disposal of the same within the aforesaid period, the learned trial Judge concerned shall seek for extension of time by giving reasons.

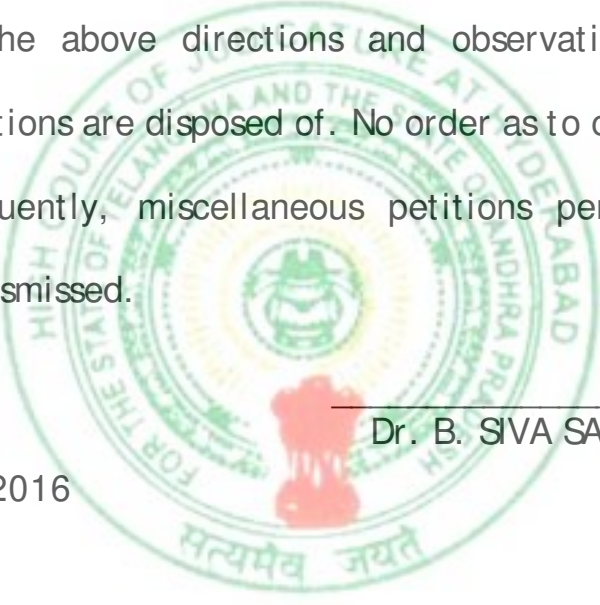
4. Subject to the payment of all the arrears of rent by the defendants in O.S.No.275 of 2015 on or before 23.01.2017 to the credit of the suit on the file of XIV Additional Chief Judge, City Civil Court, Hyderabad, by virtue of the order referred supra the trial Court shall restore their defence and permit to contest the matters. It is needless to say any withdrawal of the amount by the plaintiffs in O.S.No.275 of 2015 is subject to furnishing immovable property security, as any entitlement is subject to the result of the title suit in O.S.No.666 of 2015 in the event to compensate from the security to be furnished. So far as the immovable property security and the mode of furnishing concerned, the plaintiffs have to execute a bond on Rs.100/-

stamp paper in favour of the Court representing the suit claim by deposit of the title deeds relating to immovable properties with Encumbrance Certificate of alienable right to accept the same.

5. In respect of plaint rejection application, by closing the same without prejudice to the rights the lower Court is directed to frame the preliminary issues as contemplated by Order XIV Rule 2 C.P.C. and decide the same along with other issues including on jurisdiction.

6. With the above directions and observations, the Civil Revision Petitions are disposed of. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



Dr. B. SIVA SANKARA RAO, J

Date:26.12.2016
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