

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.1015 OF 2011

ORDER:

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This revision is filed against the order, dated 31-01-2011, passed in I.A.No.432 of 2010 in O.S.No.147 of 2011, wherein the Court below dismissed the application filed by the petitioner for clubbing ATC.No.6 of 2000, O.S.No.51 of 2003 and O.S.No.147 of 2001 stating that the proceedings under ATC and suits are different and ATC is to be tried by Special Tribunal.

Learned counsel for the petitioner submits that the subject matter, parties and the schedule property of ATC.No.6 of 2000, O.S.No.51 of 2003 and O.S.No.147 of 2001 are one and the same and to avoid conflicting judgments, all should be tried together.

It is to be seen that ATC.No.6 of 2000 is to be tried by Special Tribunal as it pertains to declaration of tenancy rights. As such, the same cannot be clubbed with the suits filed by the petitioner and the respondent. However, since the suits filed by the petitioner in O.S.No.51 of 2003 filed by the respondent for specific performance of agreement of sale and O.S.No.147 of 2001 filed by the petitioner for injunction pertains to subject property and the parties are same. As such, they can be tried together.

In view of the same, the impugned order is modified and O.S.No.51 of 2003 and O.S.No.147 of 2001 pending on the file of Principal Junior Civil Judge, Jaggayyapet, Krishna District can be tried together.

Accordingly, the revision is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this revision, shall stand closed.

A.RAJASHEKER REDDY,J

01-03-2016
nvl

