

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No:3379 OF 2016

ORDER:

1. Aggrieved by order dated 13.4.2016 passed in I.A.No.278 of 2016 in O.S.No.100 of 2005 by the learned Senior Civil Judge, Amalapuram, the present civil revision petition has been preferred.
2. The petitioner herein is the plaintiff and the respondents are the defendants before the trial Court. For the sake of convenience, the status of the parties will hereinafter be referred to as arrayed in the suit.
3. The plaintiff filed the above I.A. seeking to club the suits in O.S.No.218 of 2015 and O.S.No.100 of 2005 for recording common evidence in O.S.No.100 of 2005 in order to avoid multiplicity of proceedings. The trial Court dismissed the said application. Aggrieved by the same, the petitioner-plaintiff filed this revision.
4. Learned Counsel for the petitioner-plaintiff submitted that the parties in both the suits and the property involved in the said suits are one and the same and therefore, both the suits may be clubbed for recording common evidence so as to avoid multiplicity of proceedings.
5. The present suit i.e., O.S.No.100 of 2005 has been filed by the petitioner-plaintiff for specific performance of an agreement of sale whereas the suit viz., O.S.No.218 of 2015 has been filed for eviction and profits of the property in question. While dismissing the impugned I.A., the trial Court observed as follows:

“The trial of O.S.No.100 of 2005 has already been commenced and the trial of O.S.No.274/2010, which is renumbered as O.S.No.218 of 2015, has also been commenced and both the suits are going in a single

common hearing. All the parties are added in both the suits. Issues were also framed independently in both the suits. Therefore, the question of clubbing of both the suits need not be required legally. Both the parties in both the suits are expected to co-operate for disposal of the suits.”

6. On perusal of the material available on record and the above observations of the trial Court, this Court is of the view that there is no need to club both the suits since the issues in both the suits are different and in view of the fact that the trial Court is proceeding with both the cases simultaneously. However, considering the facts and circumstances of the case, the Civil Revision Petition is disposed of with the following directions:

“The trial Court is directed to conduct the trial in both the suits simultaneously and also take into consideration the documents filed by either party in both the suits and dispose of both the suits on the same day.”

No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 24th August, 2016
Nn.

HONOURABLE SRI JUSTICE RAJA ELANGO

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24.08.2016

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