

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.5267 of 2017

Date: 13.10.2017

Between:

Koratna Lakshmi & 5 others

..... Petitioners

and

Akula Appa Rao and another

.....Respondents

Counsel for the Petitioners: Mr.M.Radhakrishna

Counsel for the respondents: Mr.Subba Rao Korrapati

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 12.09.2017, in IA.No.497 of 2017 in OS.No.741 of 2012 on the file of the Court of the I Additional Senior Civil Judge, Visakhapatnam.

I have heard Mr.M.Radhakrishna, learned Counsel for the petitioners, and Mr.Korrapati Subba Rao, learned Counsel for the respondents.

The petitioners have filed OS.No.741 of 2012 for cancellation of registered sale deed, dated 23-06-2008, executed by their predecessor-in-title *viz.*, Sanyasi Rao against the respondents. The respondents have filed OS.No.363 of 2011 against the petitioners for specific performance of agreement of sale, dated 23-06-2008, executed by Sanyasi Rao in respect of a property different from the one covered by OS.No.741 of 2012. The petitioners, in turn, have filed OS.No.742 of 2012 for cancellation of the said agreement of sale.

Originally, OS.No.363 of 2011 was filed in the Court of the VII Additional Junior Civil Judge, Visakhapatnam, and

OS.No.742 of 2012 was filed in the Court of the I Additional Senior Civil Judge, Visakhapatnam. The petitioners have filed TOP No.559 of 2016 seeking transfer of OS.No.363 of 2011 to the Court of the I Additional Senior Civil Judge, Visakhapatnam, for being tried along with OS.No.742 of 2012. By Order, dated 16.08.2016, the Principal District Judge, Visakhapatnam, has allowed the said Petition. Accordingly, both the suits were clubbed and are being tried together.

While things stand thus, the petitioners filed IA.No.497 of 2017 for clubbing OS.No.741 of 2012 along with OS.Nos.742 of 2012 and 363 of 2011. This Application having been dismissed by the lower Court, the present Civil Revision Petition has been filed.

The learned Counsel for the petitioners asserted that not only the parties but the subject matter of all the three suits are common.

Mr.Subba Rao Korrapati, learned Counsel for the respondents, however, disputed the aforesaid submission.

From a perusal of the record, it is evident that the subject matter of OS.No.363 of 2011 and OS.No.742 of 2012 is common. While OS.No.363 of 2011 was filed by the respondents for specific performance of an agreement of sale executed by Sanyasi Rao in respect of a certain property, the petitioners have filed OS.No.742 of 2012 to cancel the said agreement of sale. Admittedly, the sale deed, dated 23-06-2008, which is the subject matter of OS.No.741 of 2012 pertains to a property different from the one covered by the agreement of sale. Obviously, realising this fact, when the petitioners have filed TOP, they have excluded OS.No.741 of 2012 from the said petition for clubbing and holding joint trial. The present application is an after thought, evidently intended, to procrastinate the suit proceedings. The petitioners, who are well aware that the subject matter of OS.No.741 of 2012 has nothing to do with that in OS.Nos.363 of 2011 and 742 of 2012, have embarked upon vexatious litigation by not only wasting the time of the lower Court but also of this Court. Hence, they are saddled with costs of Rs.10,000/- payable to the respondents.

The Civil Revision Petition is, accordingly, dismissed with costs of Rs.10,000/-.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.Nos.6844 and 6845 of 2017, filed by the petitioners for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 13th October, 2017
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