

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.5566 OF 2012

ORDER:

The order dated 20.09.2012, passed in Tr.O.P.No.123 of 2012 transferring O.S.No.3283 of 2010, pending on the file of learned VIII Junior Civil Judge's Court, City Civil Court, Hyderabad, to the Court of the learned IV Junior Civil Judge, City Civil Court, Hyderabad, to try the same along with O.S.No.2760 of 2011, is challenged before this Court.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The Court below having appreciated all the material on record has found as follows -

“(b) I have carefully gone through the copies of the pleadings in the two suits filed along with the petition. The petitioner herein filed a suit for declaration against the respondents 1 to 6 herein challenging the permission granted by the GHMC to the 6th defendant in the name of the 1st defendant and in regard to erection of gate and property, which is more fully described in the schedule annexed to the plaint in the said suit. The 1st respondent herein filed the other suit O.S.No.3283 of 2010 on the file of the learned VIII Junior civil Judge, City Civil Court, Hyderabad against the 7th respondent herein for injunction in respect of the very same property is not in dispute. The respondents 2 to 6 are not parties to the suit filed by the 1st respondent. However, the 7th respondent, who is a party to the suit filed by the 1st respondent is said to be the son of the petitioner/1st respondent herein. The suit filed by the petitioner is a comprehensive suit being a suit for declaration, mandatory injunction and other allied reliefs. Whereas, the suit filed by the 1st respondent herein in respect of the very same property is a suit for perpetual injunction.

(c) On a careful consideration of the pleadings this Court is of the well considered view that certain common issues arise for determination in both the suits. If both the suits are brought to the file of one and the same court, such common issues can be determined by one set of oral and documentary evidence. This Court is also of the considered view that the findings on common issues to be recorded in one suit will have a bearing on the findings to be recorded on identical issues in the other suit. Therefore, this Court holds that the petitioner has made valid and sufficient grounds to grant the relief. Further, if both suits are brought to the file of one Court, the said course helps in avoiding conflicting judgments and also helps in saving the time and money of the parties and also the time of the Courts. Such a course thus sub-serves the ends of justice. The point is therefore accordingly answered in favour of the petitioner.”

In the light of the finding given by the court below, the impugned order does not suffer from any illegality and does not call for any interference of this Court.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

CHALLA KODANDA RAM, J

Dated: 17.08.2017
Ssv