

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.4696 of 2017

ORDER:

The Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the unsuccessful petitioners, assailing the order, dated 31.10.2016, of the learned Chief Judge, City Civil Courts, Hyderabad, passed in Tr.O.P.No.394 of 2016.

2. I have heard the submissions of *Sri N. Vasudeva Reddy*, learned counsel appearing for the Revision petitioners at the stage of admission. I have perused the material record.

3. The facts stated and the submissions made reflect that O.P.No.345 of 2012 and O.P.No.343 of 2012, which are Land Acquisition Ops., relate to adjacent properties, which are said to be acquired under one notification for Metro Rail Project and that both the Ops., were originally on the file of the Court of the learned II Additional Chief Judge, City Civil Court, Hyderabad; but on administrative grounds, one of the OPs, i.e., O.P.No.343 of 2012 was transferred and is now pending on the file of the learned XXV Additional Chief Judge, City Civil Court, Hyderabad.

4. In this back drop, the learned counsel for the petitioners would submit that the issues involved in both the OPs are interrelated and that since the properties are adjacent properties, the evidence that is likely to be adduced would be more or less common and that, therefore, it is in the interest of justice that both the OPs shall be tried and disposed of by one Court to meet the ends of justice and to avoid conflicting findings on identical issues.

5. He would point out that the learned Chief Judge, though accepted the contention that the properties covered by both the Ops., are adjacent

properties, mistook that the lands are acquired under the land acquisition proceedings on different dates though the lands are in fact acquired under a single notification; and, therefore, the learned Chief Judge erroneously dismissed the Tr.O.P.No.394 of 2016 filed by the petitioners. He would also submit that there is no conflict of interest between the claimants in both the Ops., and that bringing both the OPs to the file of one Court for either joint or simultaneous trials/enquiries would sub-serve the ends of justice.

6. On consideration and analysis of the facts & submissions and the narrow compass of the case, this Court is satisfied that it is a fit case to grant the relief to the petitioners at the stage of admission, as such a course sub-serves the ends of justice.

7. In the result, the Civil Revision Petition is allowed and the impugned order, dated 31.10.2016, passed by the learned Chief Judge in Tr.O.P.No.394 of 2016 is set aside and, accordingly, the said Tr.O.P. is allowed and the O.P.No.345 of 2012 is withdrawn from the file of the Court of the learned II Additional Chief Judge, City Civil Court, Hyderabad, and is transferred to the Court of learned XXV Additional Chief Judge, City Civil Court, Hyderabad, for trial and disposal, either simultaneously or along with O.P.No.343 of 2012, however, in accordance with the procedure established by law. The transferor Court shall forthwith transmit the duly indexed record to the transferee Court. The transferee Court shall endeavour to dispose of both the OPs, as expeditiously as possible and preferably within a period of six (06) months from the date of receipt of the record from the transferor Court.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, in this Civil Revision
Petition, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 13th September, 2017
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