

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.5646 of 2017

ORDER : (Oral)

Vide the present petition, petitioners have challenged the order dated 14th June 2017, passed in O.S.No.314 of 2011 on the file of Family Court-cum-Additional District and Sessions Judge, Guntur.

2. The present petition is filed on the ground that the Court below has erred in law in dismissing the Memo on the ground that the causes of action in both the suits are different and the transactions between the parties are also in different capacities.

3. Learned counsel appearing on behalf of petitioners submits that the trial Court ought to have seen that common contentions are there between the parties and the evidence will also be common.

4. It is not in dispute that the parties in both the suits i.e. O.S.Nos.314 of 2011 and 330 of 2011 are one and the same and both the suits are pending on the file of same Court. However, the reliefs sought for and issues framed are different in both the suits. The causes of action on which the said suits have been filed, are altogether different and the status of the parties in both the suits are also different.

5. In view of above, merely because both the suits are between the same parties, unless there are common contentions against each other, it is not expected that the evidence also will be in common.

6. In addition to above, the learned Court below has observed in the impugned order that a simultaneous trial in both the suits can be taken up for the convenience of the parties.

7. In view of above, I find no illegality or perversity in the order passed by the trial Court.

8. Finding no merit, the instant revision petition is dismissed.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

10th November 2017

ajr

SURESH KUMAR KAIT, J

