

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO. 1114 OF 2018

ORDER:

This Civil Revision Petition is filed challenging the order passed in I.A.No. 1084 of 2017 in O.A.No.529 of 2012 which was dismissed on 8.1.2018, wherein the petitioner sought to club O.S.No.529 of 2012 and O.S.No.389 of 2011 and dispose of the same together.

2. It is the case of the petitioner that in both the suits, the property is one and the same. However, by suppressing various facts, two different suits have been filed. In both the suits, the petitioner is the 1st defendant. As the subject matter of both the suits being one and the same, the Court below ought to have clubbed both the suits and tried together.

3. Heard the learned counsel for the petitioner.

4. Learned counsel for the petitioner would submit that no prejudice would be caused to the respective parties if both the suits are clubbed and on the other hand the Court below would be able to come to a just conclusion.

5. Having considered the submission of the learned counsel for the petitioner, it is to be noted that the suit in O.S.No.389 of 2011 has been filed seeking a declaration of the right and title of the plaintiff over the plaint schedule property apart from

injunction, whereas, the suit in O.S.No.529 of 2012 is filed seeking injunction. Though it is stated that in both the suits the property is one and the same, a perusal of the schedule in both the suits would disclose that the property in both the suits is not identical but Survey Number and extent of property are one and the same.

5. Be that as it may, the suits are of the year 2011 and 2012 and the petitioner is the 1st defendant in both the suits. There is no explanation forthcoming as to why the petitioner has waited for all these years without seeking clubbing of the suits. Further, it is to be noted that O.S.No.389 of 2011 is at the stage of arguments and in O.S.No.529 of 2012 recording of evidence is yet to commence. In those circumstances, the order dismissing I.A. 1084 of 2017 seeking to club both the suits and to dispose of the same together, does not warrant any interference by this Court.

6. Accordingly, Civil Revision Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 23.2.2018

KPM