

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.114 of 2018

ORDER

This petition under Section 24 of C.P.C, is filed to withdraw and transfer the suit in O.S.No.65 of 2016 pending on the file of Senior Civil Judge, Mahaboobnagar, to try along with the suits in O.S.Nos.255 of 2007 and 294 of 2009 pending on the file of II Additional Senior Civil Judge, Mahaboobnagar, as the parties, schedule of property and issues are common.

2. The main grievance of petitioner is that since the parties, schedule of property and issues involved in the suits are identical and if any one of the suits is disposed of by the different Court, there will be conflicting judgments and therefore, he requested the Court to withdraw and transfer the suit in O.S.No.65 of 2016 pending on the file of the Senior Civil Judge, Mahaboobnagar.

3. During hearing, learned counsel for petitioner has brought to the notice of this Court about the order passed by the Principal District Judge, Mahaboobnagar in Tr.O.P.No.18 of 2007 dated 25.01.2018, dismissing the petition, granting liberty to the parties to move appropriate application under Section 10 of C.P.C., before the Senior Civil Judge, Mahaboobnagar, in O.S.No.65 of 2016 for grant of stay till disposal of the earlier suits in O.S.Nos.255 of 2007 and 294 of 2009 pending on the file of II Additional Senior Civil Judge, Mahaboobnagar, with the consent of both the counsel appearing before the trial Court.

4. When both counsel gave consent for passing impugned order and invited the order by consent, on the same ground urged before the District Court, the present petition is not maintainable under Section 24 of CPC, since the order attained finality.

5. Therefore, granting liberty to the petitioner to file appropriate application under Section 10 of CPC, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

5th March, 2018

sj

M. SATYANARAYANA MURTHY, J

