

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**CRP No.2771 of 2018**

**ORDER:**

This civil revision petition is filed against the order dated 21-03-2018 passed in Transfer Original Petition (TOP) No.74 of 2018 whereby and whereunder the Court below allowed the said TOP No.74 of 2018 filed under Section 24 of Code of Civil Procedure by withdrawing MVOP No.4 of 2017 from the file of IV Addl. District Judge, Tanuku, and transferred to the file of I Addl. District Judge, Eluru, to be tried along with MVOP No.347 of 2016.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents. Perused the impugned order passed by the Court below.

3. It is to be seen that the 1<sup>st</sup> petitioner is the natural mother of petitioners 2 and 3 who are minors, and she filed MVOP No.347 of 2016, which is pending on the file of I Addl. District Judge, Eluru, seeking compensation on account of death of her husband and father of petitioners 2 and 3, in a motor vehicle accident. The 1<sup>st</sup> respondent claiming to be the aunt of petitioners 2 and 3 also filed MVOP No.4 of 2017 on the file of IV Addl. District Judge, Tanuku, seeking compensation in respect of the same accident on account of the death of the husband of the 1<sup>st</sup>

petitioner and father of petitioners 2 and 3. It is to be seen that petitioners 2 and 3 (minor children) are parties in both the MVOPs besides respondents 4 to 6. The impugned order is assailed on the ground that MVOP No.347 of 2016 is ripe for arguments whereas as MVOP No.4 of 2017 is coming for filing counter. Both the MVOPs are filed seeking compensation on account of death of one Muppidi Babu Rao, husband of 1<sup>st</sup> petitioner and father of petitioners 2 and 3. As rightly observed by the Court below, it is expedient to club both MVOPs to avoid conflicts of judgments and save time of the Courts as parties are same and subject matter is also same. No prejudice would be caused to either of the parties by clubbing the matters and taking them up together. In the circumstances, I do not find any illegality or irregularity in the impugned order passed by the Court below and accordingly the civil revision petition is dismissed.

4. However, it is stated that the petitioners have filed an application regarding maintainability of the MVOP No.4 of 2017, but the same is not being taken up for adjudication. It is expedient that the Court below take up the said application first and decide the issue of maintainability of MVOP No.4 of 2017 filed by the aunt of petitioners 2 and 3 in the light of the MVOP No.347 of 2016 already filed by the mother of petitioners 2 and 3. Since it is stated that

MVOP No.347 of 2016 is coming up for arguments, the same be disposed of expeditiously, along with MVOP No.4 of 2017, if it is maintainable, in accordance with law, within a period of six months from the date of receipt of a copy of this order. Miscellaneous petitions, if any pending in the case shall also stand closed. No order as to costs.

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**A.RAJASHEKER REDDY, J**

Dated: 06-07-2018  
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