

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.3378 of 2018

ORDER: (Oral)

(Per Suresh Kumar Kait, J)

Vide the present revision petition, petitioner has challenged common order dated 29.03.2018 passed in T.O.P.No.786 of 2017, along with other T.O.Ps., in O.S.No.211 of 2016 by the Principal District Judge, Guntur, whereby the T.O.Ps., were withdrawn from the Court of Principal Junior Civil Judge, Chilakaluripet and transferred to the Court of III Additional District Judge, Narasaraopet.

Learned counsel for the petitioner submits that the learned District Judge has wrongly observed that in all the matters, there is similarity of parties, however, in the cases mentioned in the table in the first page of the order under challenge, Damisetty Siva Leela and Damisetty Rajesh Kumar are different parties and therefore the learned District Judge could not have observed so.

To strengthen his submission, learned counsel for the petitioner has relied upon *Kulwinder Kaur alias Kulwinder Gurcharan Singh v. Kandi Friends Education Trust and Ors.*¹

A perusal of the order under challenge would make it clear that the learned District Judge has observed that the parties are same in respect of all the matters and the learned XIII Additional District Judge, Narasaraopet has jurisdiction to try all the cases and

¹ AIR 2008 SC 1333

suit in O.S.No.58 of 2016. The written statement filed in all the suits is having reference to purchase of property, memorandum of understanding, denial of execution of promissory notes etc.

In view of substantial similarity of the parties in all the suits, the learned District Judge passed the order under challenge.

It is not in dispute that all the cases in question are between the petitioner, Damisetty Siva Leela and Damisetty Rajesh Kumar. However, Damisetty Siva Leela is the mother of Damisetty Rajesh Kumar and Damisetty Rajesh Kumar is the son of Damisetty Siva Leela. In that view of the matter, the learned District Judge made an observation that parties are same in all the cases.

Further, having regard to the facts and circumstances of the case on hand, the decision relied upon by the learned counsel for the petitioner in *Kulwinder Kaur* (1 supra) would be of no avail to the case of the petitioner.

Therefore, I find no illegality in the order under challenge, warranting interference in this revision petition.

The revision petition is devoid of merits and is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending in the appeal, stand closed.

SURESH KUMAR KAIT, J

June 29, 2018
MRR