

SMT. JUSTICE T. RAJANI

CIVIL REVISION PETITION Nos.4295, 4296 AND 4297 OF 2018

COMMON ORDER:

All these Civil Revision Petitions under Article 227 of the Constitution of India are preferred by the petitioners - defendants in not proceeding with the orders, dated 03.08.2015, in I.A. No.392 of 2014 in O.S. No.160 of 2013, I.A. No.396 of 2014 in O.S. No.172 of 2013 and I.A. No.395 of 2014 in O.S. No.173 of 2013, passed by the Principal Junior Civil Judge, Srikakulam, respectively to decide the preliminary issue.

2. The aforesaid orders were passed by the trial Court in the petitions filed by the petitioners - defendants under Order XIV, Rule 2 (b) of the Code of Civil Procedure, 1908 (for short 'CPC') seeking for framing a preliminary issue with regard to the plea of *res judicata*. While allowing the said petitions, the trial Court observed that even in adjudicating the preliminary issue, parties can let in evidence to decide the said issue and certainly even the fate of main suit is rested on the said issue in view of the pleadings by either side. Having observed as such, the trial Court posted the matters for trial, and the learned counsel for the petitioners, in all the petitions, based on the said fact, seeks this Court to stay the trial of the matters and to direct the trial Court to decide the preliminary issue before going ahead with trial of the matters.

3. Since the trial Court itself had observed in the orders under challenge that fate of the main suit would rest on the preliminary issue,

the Principal Junior Civil Judge, Srikakulam, is directed to decide the preliminary issue in the aforesaid suits before going ahead with trial of the matters.

4. With the above direction, all these Civil Revision Petitions are disposed of at the stage of admission itself. However, there shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in all the revisions stand closed.

November 05, 2018
Mgr

SMT. T. RAJANI, J

