

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4920 of 2018

Order:

Aggrieved by the refusal of the Court below to transfer one suit to be tried along with another suit, the defendants in both the suits have come up with the above revision.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioners and Mr. V.Subrahmanyam, learned counsel for the respondent.

3. The respondent herein filed a suit in O.S.No.1726 of 2014 for partition. After the completion of the evidence on both sides, the respondent took a chance and filed a fresh suit in O.S.No.77 of 2018, seeking a declaration that certain gift settlement deeds executed in the years 2001, 2005 and 2014 were null and void.

4. Instead of taking objections to the maintainability of the second suit under Order II, Rule 2 CPC and instead of seeking a relief under Section 10 CPC, the petitioners unfortunately filed a petition for transfer. Fortunately for them it was dismissed by the Trial Court. Therefore, in the very interest of the petitioners, the revision is liable to be dismissed. Accordingly, it is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

28th September, 2018.
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