

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.6762 of 2018

ORDER:

This civil revision petition is filed against the order dated 15.03.2018 in I.A.No.878 of 2017 in O.S.No.140 of 2011 on the file of Additional Senior Civil Judge, Madanapalle, Chittoor District.

2. Vide the impugned order, the application filed by the petitioners/defendants under Section 151 of Code of Civil Procedure for clubbing of Suit.O.S.No.112 of 2005 with O.S.No.140 of 2011, was dismissed observing that the subject properties of both the suits are different and situated in different boundaries and merely for the reason that both the suits are situated in same survey number, both the suits cannot be clubbed.

3. Learned counsel for the petitioner submits that the Court below, without properly appreciating the facts and by a non-speaking order, dismissed the application.

4. On the other hand, the learned counsel for the respondents submits that the Court below, after going through the suit schedule properties, came to the conclusion that the properties are not one and the same and the properties are with different boundaries.

5. A perusal of the schedule in both the suits would go to show that they have different boundaries as contended by the learned counsel for the respondents; and in view of the same, I do not see any irregularity in the order passed by the Court below. The order in I.A.No.878 of 2017 was passed on 15.03.2018 and the Copy Application was made on 23.03.2018 and though the copy was delivered on 24.03.2018. This civil revision petition was

filed on 12.11.2018. It goes to show that the petitioners are not serious in pursuing the matter when the suit is of the year 2011.

6. In view of the facts of the case, I do not see any merit in the civil revision petition.

7. Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

19th November, 2018
KSM

JUSTICE A. RAJASHEKER REDDY



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