

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6919 of 2018

ORDER:

Aggrieved by the refusal of the court below to club two suits, though they were as between the same parties, the plaintiff in one suit, who was also the sole defendant in the other suit, has come up with the above revision.

2. Heard Mr. Baligamsetti Kiran Kumar, learned counsel for the revision petitioner.

3. O.S.No.75 of 2016 was the first suit filed. It was filed by a Trust, as against the petitioner herein for a bare injunction.

4. Thereafter, the defendant in O.S.No.75 of 2016 filed a suit in O.S.No.291 of 2017 claiming partition. This suit was as against the family members as well as the Charitable Trust.

5. In a partition suit, the limited enquiry that the Court makes is as to the nature of the claim that the members of the family may have against the property. But in a suit for permanent injunction filed by the Trustee of the Charitable Trust, the only question involved would be about the title and possession. Therefore, the trial Court was right in not clubbing both the suits. Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 23-11-2018

Ksn