

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.7611 OF 2018

Date:28.12.2018

Between:

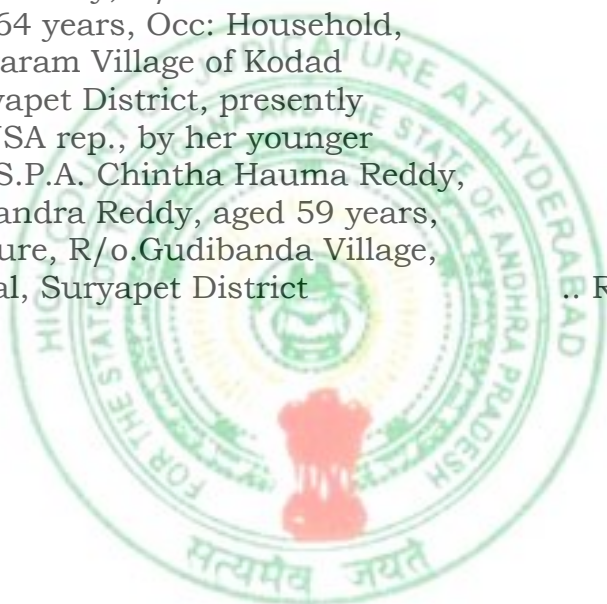
Banala Kotes, S/o.Venkateshwarlu,
Aged 51 years, Occ: Agriculture and
Business, R/o. Barkathdugem Village,
Munagala Mandal, Suryapet District
and another

.. Petitioners

And

Chinta Laxmi @ Kakumanu Laxmi,
W/o. Pramod Reddy, D/o. Late Chandra
Reddy, aged 64 years, Occ: Household,
R/o.Ranapavaram Village of Kodad
Mandal, Suryapet District, presently
Residing at USA rep., by her younger
Brother and S.P.A. Chintha Hauma Reddy,
S/o. Late Chandra Reddy, aged 59 years,
Occ: Agriculture, R/o.Gudibanda Village,
Kodad Mandal, Suryapet District

.. Respondent



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and Sri V. Raghu, learned counsel for the respondent.

2. Petitioners are defendants in O.S.No.190 of 2009 pending in the Court of Principal Junior Civil Judge at Kodad. They filed I.A.No.404 of 2018 under Section 151 C.P.C. praying the Court to stay the proceedings in the said suit until completion of hearing of O.S.No.9 of 2018.

3. According to petitioners, they instituted O.S.No.9 of 2018 in the same Court seeking injunction against the plaintiff and therefore the earlier suit proceedings should be stayed. They also allege that as the suit schedule property in both the suits is one and same, the proceedings in the earlier suit ought not to have been continued in view of institution of the subsequent suit.

4. Sri V. Raghu, learned counsel for the respondent, would submit that when there is a specific provision in Section 10 C.P.C., the application filed under Section 151 C.P.C. is not maintainable. In support of the said contention, he placed reliance on the decision of the Supreme Court in **ASPI JAL AND ANOTHER v. KHUSHROO RUSTOM DADYBURJOR¹**.

5. The trial Court has appreciated the respective contentions and by assigning due reasons in support of the decision, it was not inclined to entertain the application and dismissed the same.

¹ (2013) 4 SCC 333

I do not see any error in the order passed by the trial Court warranting interference. The Civil Revision Petition is accordingly dismissed.

6. At this stage, learned counsel for the petitioners submits that as the suit schedule property in both the suits is one and same, petitioners may be granted liberty to pray to club both the suits. No opinion can be expressed on the said plea at this stage. It is always open to the petitioners to make such an application. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:28.12.2018

KH

P. NAVEEN RAO, J

