

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.7218 of 2017

ORDER :

This Revision is filed challenging the order dt.28.08.2017 in Transfer O.P.No.380 of 2015 on the file of Principal District and Sessions Judge, Chittoor.

2. The said Transfer O.P. was filed by the petitioner under Section 24 of Civil Procedure Code for withdrawal of O.S.No.128 of 2011 from the file of the Additional Senior Civil Judge, Tirupati, and to transfer the same to the Court of the III Additional District Judge, Tirupathi for trial along with suit O.S.No.37 of 2012, pending on its file.

3. O.S.No.128 of 2011 was filed by the 4th respondent herein against the 3rd respondent and petitioner for specific performance of an agreement of sale dt.21.04.2009 in respect of an extent of Ac.0.06 ½ cents out of Acs.0.25 cents in Survey No.135/7 of Marrigunta Village.

4. O.S.No.37 of 2012 is filed by the 1st respondent against 2nd respondent, 3rd respondent and petitioner for specific performance of an agreement of sale dt.30.05.2008.

5. The Court below rejected the transfer O.P. on the ground that the plaintiff in O.S.No.128 of 2011 is not a party in O.S.No.37 of 2012 and vice versa; that the agreements of sale relied upon by the

plaintiffs in both the suits are different and causes of action in both the suits are different. It also observed that the issues involved in both the suits will also be different and merely because the land which is subject matter of O.S.No.128 of 2011 is part of the land in O.S.No.37 of 2012, both the matters cannot be clubbed together.

6. Though the counsel for petitioner contended that clubbing of both the suits is essential to avoid conflicting judgments, I am of the opinion that when the title to the property is not in issue and when the suits are based on different agreements of sale executed between different parties, clubbing them would cause grave prejudice to the plaintiffs in the suits and may result in miscarriage of justice.

7. I therefore see no reason to interfere with the order dt.28.08.2017 in Transfer O.P.No.380 of 2015 on the file of Principal District and Sessions Judge, Chittoor.

8. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22.01.2018

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