

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.700 of 2019

ORDER:

This Revision is filed challenging the order dt.02.03.2019 in Tr.O.P.No.670 of 2018 of the Principal District Judge, Ranga Reddy District, L.B.Nagar.

2. Petitioner herein had filed O.S.No.1587 of 2018 against respondents 1 & 2 and O.S.No.1501 of 2018 against respondents 3 & 4, while the former suit was filed before the Principal Senior Civil Judge, Ranga Reddy District, the latter was filed before the VII Additional Senior Civil Judge, Ranga Reddy District.

3. The respondents herein filed Tr.O.P.No.670 of 2018 to transfer O.S.No.1587 of 2018 from the Court of Principal Senior Civil Judge, Ranga Reddy District to the Court of VII Additional Senior Civil Judge, Ranga Reddy District, to be tried along with O.S.No.1501 of 2018 pending on its file either jointly or separately but to be dispose of simultaneously in accordance with law.

4. In the affidavit filed in support of this application they contended that the petitioner is the plaintiff in both the suits; that the contents of the complaints are identical but for the name and address of the defendants; that defence of the

respondents is also identical; that suits are summary suits and the VII Additional Senior Civil Judge, Ranga Reddy District had already granted leave to defend the suit O.S.No.1501 of 2018 and posted the matter for filing written statement, and there is a possibility of passing of conflicting judgments in the suits if they are tried separately. It was also pointed out that both Courts have equal territorial and pecuniary jurisdiction and they ought to be decided by the same Court in view of the overlapping of issues.

5. Counter affidavit was filed by the petitioner opposing the same and alleging that it would amount to bench hunting. It was also pointed out that there is no cause of action in the suit pending before the VII Additional Senior Civil Judge, Ranga Reddy District and the application is a abuse of process, more particularly, when Principal Senior Civil Judge had reserved the orders on the application for grant of leave to defend.

6. By order dt.02.03.2019 the Court below rejected the plea of bench hunting/forum shopping and held that even the Principal Senior Civil Judge had granted leave to defend to the defendants in O.S.No.1587 of 2018, that both the suits arise from the very same legal notice issued on 11.01.2013 and amounts were paid to respondents 1 and 2, who are

defendants in O.S.No.1587 of 2018 and to respondents 3 and 4, who are defendants in O.S.No.1501 of 2018. It also took note of the fact that the defence taken by the transfer petitioners in both the suits is one and the same and to facilitate recording of evidence and disposal of the suits, it is desirable to decide both the suits together.

7. Assailing the same, this Revision is filed.

8. Counsel for the petitioner contended that because the respondents 1 and 2 initially did not get leave to defend the suit in O.S.No.1587 of 2018 in the application filed by them before the Principal Senior Civil Judge, with a malafide intention they wanted transfer of the case to the VII Additional Senior Civil Judge, Ranga Reddy District, who had granted leave to respondents 3 and 4 in O.S.No.1501 of 2018, and the application itself is an abuse of process of law.

9. However, he did not dispute that later even the Principal Senior Civil Judge, Ranga Reddy District, had granted leave to defend to respondents 1 and 2 in O.S.No.1587 of 2018.

10. Therefore, it cannot be said that either of the Courts is favouring any party. In any event the cases will have to be heard on merits after the written statements are filed by the respondents.

11. Also, counsel for the petitioner specifically stated that he had no specific grievance against the VII Additional Senior Civil Judge, Ranga Reddy at L.B.Nagar, who is trying O.S.No.1501 of 2018 and to whose Court O.S.No.1587 of 2018 is now transferred pursuant to the impugned order.

12. I am satisfied that the Court below had given cogent reasons for transferring O.S.No.1587 of 2018 from the Court of Principal Senior Civil Judge, Ranga Reddy to the Court of VII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar and that the said exercise of discretion does not warrant any interference in exercise of jurisdiction of this Court under Article 227 of the Constitution of India.

13. Accordingly, this Civil Revision Petition fails and it is dismissed. No order as to costs.

14. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

27th March, 2019.

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