

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.950 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the order dated 27.02.2019 passed in I.A.No.323 of 2018 in O.S.No.177 of 2013 by the Family Court-cum-Additional District and Sessions Judge, Karimnagar, whereby the application to club O.S.No.58 of 2017 with O.S.No.177 of 2013 was dismissed.

2. In spite of service of notice, none appeared for the respondents.
3. Heard learned counsel for the revision petitioners and perused the record.
4. Having argued for a considerable time, learned counsel for the revision petitioners submits that if a direction is given to the Court below to dispose of both the suits simultaneously, it would be sufficient.
5. As per the material placed on record, the suit in O.S.No.177 of 2013 is filed for declaration of title and perpetual injunction and the suit in O.S.No.58 of 2017 is filed for perpetual injunction. The former suit is a comprehensive suit. Except one K.Srikanth, the other parties are figuring in both the suits. It is evident from the record that recording of evidence has commenced in O.S.No.177 of 2013. It is an old suit. Further, the suit in O.S.No.58 of 2017 is coming up for trial and the trial has not yet commenced. Therefore, it is not appropriate to club both the suits and dispose of by common order. For better understanding, and to come to a just conclusion and to avoid

conflicting orders, it is appropriate to direct the Court below to dispose of both the suits simultaneously. The Court below is directed to try both the suits simultaneously without clubbing and dispose of the same by way of separate judgments.

6. With the above direction, the Civil Revision Petition is disposed of. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 22.10.2019
ssp

Dr. SHAMEEM AKTHER, J

