

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Tr.CMP.No.188 of 2018

ORDER:

This Tr.CMP is filed seeking transfer of O.S.No.172 of 2015 on the file of the IX Additional Chief Judge, (FTC) City Civil Court, Hyderabad to the Court of the III Additional Chief Judge, City Civil Court, Hyderabad to be tried along with O.S.No.357 of 2015 pending on the file of the latter Court.

2. Petitioners herein are plaintiffs in O.S.No.357 of 2015. They filed the said suit against respondents 1 to 5 for recovery of possession of premises bearing Door No.9-4-86/17, Plot No.17, Salarjung Colony, Tolichowki, Nanalnagar, Hyderabad, and for recovery of arrears of rent.

3. O.S.No.172 of 2015 is filed by the respondents 2 to 5 against the petitioners 1 to 5 for partition of Mathruka property of late Mohd Moinuddin Khaja Moinuddin and late Fayaz Jahan. In the plaint C-schedule, the property bearing municipal No.9-4-86/17 which is subject matter of O.S.No.357 of 2015 is also included.

4. Counsel for the petitioners contends that for the said reason both the suits should be clubbed together and also because parties are common to both suits.

5. However, O.S.No.357 of 2015 being one for eviction of the 1st respondent from the suit schedule property filed by the petitioners 1 to 5, merely because the said property is also subject matter of the partition suit O.S.No.172 of 2015, in my opinion, there is no necessity to club both the suits because the relief claimed in both the suits is entirely different.

6. Accordingly, this Tr.CMP., fails and it is dismissed. No order as to costs.

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

M.S. RAMACHANDRA RAO, J

16th April, 2019.

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