

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.2962 of 2015

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.18.06.2015 passed in Tr.O.P.No.21 of 2015 on the file of the Principal District Judge, Adilabad.

2. The petitioner herein is plaintiff in O.S.No.151 of 2012 on the file of Principal Junior Civil Judge, Mancherial.

3. He filed the said suit for eviction of 1st respondent from the suit schedule property and for recovery of rents.

4. The respondent filed O.S.No.218 of 2014 before the Senior Civil Judge, Mancherial for specific performance of an agreement of sale dt.16.08.2009, allegedly executed by the 2nd respondent in his favour and for cancellation of the registered sale deed dt.17.05.2010, executed by the 2nd respondent in favour of 1st respondent in respect of the same suit schedule property.

5. Thereafter, the 1st respondent filed Tr.O.P.No.21 of 2015 before the Principal District Judge, Adilabad for transfer of O.S.No.151 of 2012 on the file of Principal Junior Civil Judge, Mancherial to the Court of the Senior Civil Judge, Mancherial to be clubbed and tried along with O.S.No.218 of 2014, pending on the file of Senior Civil Judge, Mancherial. He contended that the contentions in both the suits are one and the same, and so is the suit schedule property; and it is desirable to try both of them together.

6. The petitioner opposed the said application and contended that since he had a legal right over the property by way of its purchase from the 2nd respondent he is entitled to recovery of property, and both suits need not be clubbed.

7. By order dt.18.06.2015, the Court below allowed O.P.No.21 of 2015. It observed that the property involved in both the suits is one and the same, and pleadings of the parties are also one and the same in both the suits; and questions as to whether 1st respondent has any right to seek specific performance of the agreement of sale, and whether he is entitled for such relief is to be determined; and that unless and until all the issues are tried together, it is not possible for disposal of both the suits. It also fixed period of six months for decision of the Senior Civil Judge, Mancherial.

8. Assailing the same, the present Civil Revision Petition is filed.

9. The counsel for petitioner contended that the suit O.S.No.151 of 2012 was filed in the year 2012 whereas the suit O.S.No.218 of 2014 was filed by 1st respondent in the year 2014, and there will be delay in disposal of both the suits, if the suit filed by petitioner is transferred and tried along with the suit filed by 1st respondent.

10. The counsel for 1st respondent supported the order passed by the Court below.

11. No doubt, petitioner had filed O.S.No.151 of 2012 before the Principal Junior Civil Judge, Mancherial for eviction of 1st respondent and for recovery of arrears of rent and also future profits, the

petitioner is claiming title to the suit schedule property under a registered sale deed dt.17.05.2010 executed in his favour by the 2nd respondent. The said sale deed itself is challenged in O.S.No.218 of 2014 by the 1st respondent. Therefore, issues in both the suits are inextricably connected to one another and the result in O.S.No.218 of 2014 will have a bearing on the result in the other suit O.S.No.151 of 2012. If both the suits are allowed to be tried by separate Courts, there is every possibility of conflicting judgments being rendered by the Courts.

12. In this view of the matter, I do not find any error of jurisdiction in the order passed by the Principal District Judge, Adilabad in allowing Tr.O.P.No.21 of 2015 on 18.06.2015.

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

14. However, the Senior Civil Judge, Mancherial is directed to dispose of both the suits as expeditiously as possible within a period of six (06) months from the date of receipt of copy of the order.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 08.04.2019

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