

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP. No.1431 of 2019

ORDER:

This Revision is filed challenging the order dt.25.04.2019 passed in I.A. No.1789 of 2019 in O.S. No.585 of 2011 of the Chief Judge, City Civil Court, Hyderabad.

2. The petitioner is the sole defendant in the said suit. The respondent had filed the said suit against him for specific performance of agreement of sale dt.20.08.2008 and alternatively for refund of advance amount of Rs.2,00,000/- with interest.

3. Written Statement was filed by the petitioner stating that the plaintiff has misrepresented and obtained the suit agreement of sale dt.20.08.2008. According to him, the suit agreement of sale is covered by a simple loan transaction and the alleged agreement of sale is a security document for repayment of loan amount.

4. The respondent filed another suit O.S.No.1031 of 2012 for recovery of money against the petitioner and his two brothers on the file of the Principal District Judge, Ranga Reddy at L.B.Nagar. In this suit also petitioner filed a Written Statement and also an additional Written Statement stating that there was previously a loan transaction between the parties and at that time blank signed promissory notes were executed by himself and others in favour of the respondent.

5. The petitioner filed Tr.CMP.No.374 of 2013 seeking transfer of O.S. No.1031 of 2012 from the Court of Principal District Judge, Ranga Reddy District to the Court of Chief Judge, City Civil Court, Hyderabad to be tried along with O.S. No.585 of 2011.
6. On 12.04.2018 the said Tr.CMP. was allowed but this Court left it open to the Chief Judge, City Civil Court, Hyderabad to decide whether or not to take up joint trial in the said suits.
7. Thereafter, O.S. No.1031 of 2012 was renumbered as O.S.No.690 of 2018 on the file of the Chief Judge, City Civil Court, Hyderabad.
8. Petitioner filed I.A. No.1789 of 2019 for clubbing of both the suits contending that his defense was identical in both the suits and pointing out that O.S. No.585 of 2011 is coming up for cross examination of P.W.1 but O.S. No.690 of 2018 is coming up for service of notice on proposed defendants 3 and 4 and so both the suits have to be clubbed.
9. By order dt.25.04.2019 the Court below dismissed the application. It observed that O.S.No.585 of 2011 is at the stage of cross examination of P.W.1 and instead of proceeding with the cross examination, petitioner has filed the present application to club O.S.No.585 of 2011 with O.S. No.690 of 2018 which was filed for recovery of money. It observed that, if at all, both the suits are interconnected, petitioner failed to explain why he kept quiet for 7 years and this application is filed only to prolong the litigation.
10. Assailing the same, this Revision is filed.
11. Counsel for the petitioner contended that since the defense of the petitioner in both the suits is one and the same they are required to be heard together and otherwise there is possibility of conflicting orders. This

apprehension by the petitioner is unfounded because it is the same Court which will decide both the suits.

12. The cause of action mentioned in the plaint in both the suits is entirely different and joint trial may cause prejudice to the respondent. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

13. Accordingly, this Revision fails and is dismissed. There shall be no order as to costs.

14. As a sequel, miscellaneous applications, if any pending shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 10.07.2019
LSK



