

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2051 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the docket order dated 30.11.2018 passed in I.A.No.599 of 2018 in O.S.No.142 of 2012 by the Senior Civil Judge, Sathupally, whereunder an order was passed to club the suit in O.S.No.142 of 2012 with O.S.No.117 of 2018.

2. Heard the learned counsel for the petitioner and perused the record.

3. As per the material placed on record, respondent No.1 herein has substantial interest in the subject matter. Further, both the suits relate to same property. Therefore, both the suits are required to be clubbed and determined together. Since respondent No.1 (proposed defendant) is claiming ownership and possession in respect of the property covered by the subject suit, whether the issues in two suits are in respect of same or distinct properties and whether the relief sought in the two suits is distinct, etc., are required to be determined. Therefore, respondent No.1 (proposed defendant) is a necessary party. The Court below had rightly exercised its jurisdiction in allowing the impugned I.A.No.599 of 2018. Hence, no illegality is found in the impugned order. There are no merits in the revision petition.

4. In the result, the Civil Revision Petition is dismissed. No order as to costs.

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

Dr. SHAMEEM AKTHER, J

Date: 18.09.2019
ssp