

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2081 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 & 6, challenging the docket order, dated 06.06.2019, passed in I.A.No.406 of 2019 in O.S.No.332 of 2014, by the Senior Civil Judge at Nalgonda, whereby, the petition filed by the 1st petitioner herein/1st defendant under Section 151 of C.P.C., praying the Court below to club the suit in O.S.No.332 of 2014 with O.S.No.649 of 2014, was dismissed.

2. Heard the submissions of Sri M.A.K.Mukheed, learned counsel for the revision petitioners/defendant Nos.1 & 6, Sri T.Srikanth Reddy, learned counsel for the 1st respondent/plaintiff and perused the record.

3. The learned counsel for the revision petitioners/defendants 1 & 6 would contend that the suit in O.S.No.332 of 2014 is filed by the 1st respondent herein/plaintiff against the defendants 1 to 6 (including the revision petitioners/defendant Nos.1 & 6) before the Court of Senior Civil Judge at Nalgonda, seeking perpetual injunction in respect of the agricultural land admeasuring Acs.1.26 guntas situated at Edulur Village, Kattangur Mandal, Nalgonda District. The suit in O.S.No.649 of 2014 is filed by the 1st petitioner herein/defendant No.1 against the 1st respondent herein/plaintiff before the same

Court, seeking declaration of title and perpetual injunction in respect of the same property. The subject matter of both the suits is similar. Similar issues are required to be adjudicated in both the suits. Recording separate evidence in both the suits and disposing of the suits separately would result in conflicting decisions and ultimately prayed to set aside the order under challenge and allow the subject interlocutory application as prayed for.

4. On the other hand, the learned counsel for the 1st respondent/plaintiff supported the impugned order and contended that separate evidence is required to be recorded in both the suits. The subject interlocutory application was filed to drag on the matter and ultimately prayed to dismiss the Civil Revision Petition.

5. It is evident from the record that the suit in O.S.No.332 of 2014 was filed by the 1st respondent/plaintiff for perpetual injunction and the suit in O.S.No.649 of 2014 was filed by the 1st petitioner/defendant No.1 for declaration of title and perpetual injunction, before the same Court, i.e., the Court of Senior Civil Judge at Nalgonda, in respect of the same property, i.e., agricultural land admeasuring Acs.1.26 guntas situated at Edulur Village, Kattangur Mandal, Nalgonda District, as contended by the revision petitioners. In O.S.No.332 of 2014, chief affidavit of the plaintiff therein was filed and the matter is coming up for cross-examination of the plaintiff therein/P.W.1. As seen from the record, the subject

matter as well as the issues that fall for consideration in both the suits are identical. Certainly, the findings recorded in one suit will have a bearing on the issues that fall for consideration in the other suit. In view of the common contentions of the parties to the suits, the evidence that may be adduced by the parties during the trial of the suits would also be common. Therefore, consolidation of both the suits for joint trial would meet the ends of justice. Moreover, clubbing of the suits would obviate the necessity of recording the same evidence twice, separately, in both the suits and would save the valuable time of the trial Court as well as the money of the parties. Furthermore, the said course would also help in avoiding conflicting findings and judgments in the two suits and would help in expeditious disposal of both the suits.

6. Under these circumstances, the impugned order, dated 06.06.2019, passed in I.A.No.406 of 2019 in O.S.No.332 of 2014, by the Senior Civil Judge at Nalgonda, is set aside. O.S.No.332 of 2014 and O.S.No.649 of 2014, pending on the file of the Senior Civil Judge at Nalgonda, are clubbed together and the Court below is directed to dispose of both the suits, by way of a common judgment, in accordance with law. At this stage, a request is made by both the learned counsel to direct the Court below to dispose of both the suits preferably within a period of three (03) months. Having regard to the said request, the Court below is directed to dispose of both the suits, by way of a common judgment, as expeditiously as

possible, preferably within a period of three (03) months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

Dr. SHAMEEM AKTHER, J

20th September, 2019
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