

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2614 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 31.07.2019, passed in Transfer O.P.No.5 of 2019 by the Principal District Judge, Mahabubnagar.

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

3. The petitioners herein filed the subject Tr.O.P under Section 24 of the Code of Civil Procedure, 1908, seeking to transfer O.S.No.32 of 2016 from the file of Junior Civil Judge, Mahabubnagar, to the file of II Additional Senior Civil Judge (FTC) Mahabubnagar, for joint trial by clubbing the same with O.S.No.83 of 2016 on the file of II Additional Senior Civil Judge (FTC) Mahabubnagar. The Court below allowed subject petition and ordered for transfer of O.S.No.32 of 2016 from the file of Junior Civil Judge, Mahabubnagar, to the file of II Additional Senior Civil Judge (FTC) Mahabubnagar, to try along with O.S.No.83 of 2016, but declined to club both the suits.

4. Learned counsel for the petitioners would submit that in both the suits, the parties as well as property are one and the same. He stated that one suit is filed for injunction and other suit is filed for recovery of possession. He further submitted that in view of the circumstances stated, it is necessary to club both the

suits and dispose of together and ultimately, prayed to give a direction to the Court below to club both the suits.

5. The Court below *vide* impugned order, dated 31.07.2019, allowed the subject Tr.O.P, but, however, clarified that there was no necessity to club O.S.No.32 of 2016 with O.S.No.83 of 2016. There are different claims in both the suits. Therefore, it is left open to the Court below whether to club both the suits or not.

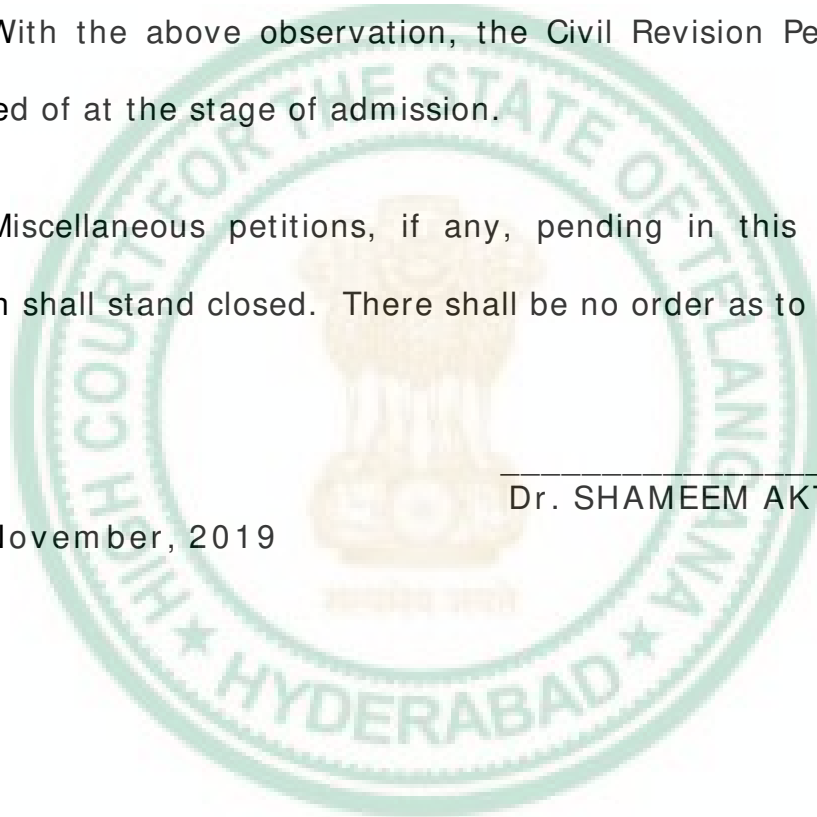
6. With the above observation, the Civil Revision Petition is disposed of at the stage of admission.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

13th November, 2019

YVL

Dr. SHAMEEM AKTHER, J



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Date:13.11.2019

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