

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2384 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioners aggrieved by the order, dated 25.07.2019, passed in Transfer O.P.No.5 of 2019 by the Principal Sessions Judge, Nalgonda, wherein the Court below dismissed the subject Transfer O.P. filed by the revision petitioners seeking to withdraw O.S.No.208 of 2018 from the file of Junior Civil Judge, Miryalaguda, and transfer the same to the file of Senior Civil Judge, Miryalaguda, to try along with O.S.No.164 of 2018.

2. Heard the learned counsel for both sides and perused the record.

3. Learned counsel for the revision petitioners would submit that the subject matter and parties in both the Suits are similar and in order to avoid conflict of decisions, both the Suits are required to be decided by one and the same Court by clubbing them. The Court below is not justified in dismissing the subject Transfer O.P. and ultimately, prayed to allow the subject Transfer O.P. by setting aside the impugned order.

4. On the other hand, learned counsel for the respondents would submit that the cause of action and the documents to be marked in both the Suits are distinct. Therefore, the Court below is justified in dismissing the subject Transfer O.P. and ultimately, prayed to dismiss the revision petition.

5. In view of the submissions made by both the parties, the point that arises for determination is as follows:

“Whether Transfer O.P.No.5 of 2019 on the file of Principal Sessions Judge, Nalgonda, can be allowed, as prayed for.”

6. It is evident from the record that both the Suits are filed seeking distinct reliefs in respect of different properties. Out of the two Suits, one Suit is filed for declaration of title and perpetual injunction, whereas the other Suit is filed for perpetual injunction. There is no common evidence and the documents to be marked in both the Suits are also different. The Court below has examined these aspects elaborately and rightly answered against the revision petitioners. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

January 21, 2020.
MD

Dr. SHAMEEM AKTHER, J