

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3918 OF 2024

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order dated 04-12-2024 passed Transfer O.P.No.89 of 2024 on the file of the Principal District and Sessions Judge Ranga Reddy District At L.B. Nagar and dismiss the Transfer O.P.No.89 of 2024.

Between:

Nerallapally Sandeep Reddy, S/o Krishna Reddy, Age. 40 years, Occ. Business, R/o. H.No. 2-1-49/ 6/ B, Surya Nagar Colony, Uppal, Hyderabad-500039.

...Respondent No.3/Petitioner

AND

1. M. Renuka Devi, W/o Y. Ranga Swamy, Aged 53 years, Occ. Teacher.
2. Y. Ranga Swamy, S/o Rangappa, Age.57 years, Occ. Business, Both are Residing at. H.No.5-2/1 6/A, Plot No.6/1, Phase- I, Mythri Nagar, Madinaguda, Ranga Reddy District-500049.

... Petitioners/Respondents

3. Kondapalli Durga Devi, W/o Lakshmi Narasimha Rao, Aged about 64 years, Occ. Housewife, R/o. Flat No. 602, H.No. 3-6-290/ B-1, Sai Tirumala Apartments, Hyderguda, Himayat Nagar, Hyderabad-500029.
4. Mudigonda Radhika, W/o Phaneesh, Aged about 57 years, Occ. Housewife, R/o. Flat No. 202, Plot No. 62, Jyothi Mahal, Srinagar Colony, Hyderabad-500072.
5. The Greater Hyderabad Municipal Corporation (GHMC), Rep. by its Commissioner, Tank Bund Road, Hyderabad.
6. The Greater Hyderabad Municipal Corporation (GHMC), Rep. by its Zonal Commissioner, Serilingampally Zone, Ranga Reddy District.
7. The City Planner, Circle No. 20, GHMC, Serilingampally, Ranga Reddy District.
8. The Assistant City Planner, Circle No.20, GHMC, Serilingampally, Ranga Reddy District.
9. The Executive Engineer, Serilingampally Circle-20, GHMC, Serilingampally. (Respondents No. 3 to 9 are not Necessary parties to this Revision)

...Respondents

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dated 04-12-2024 in Transfer O.P. NO. 89 of 2024 on the file of the Principal District and Sessions Judge Ranga Reddy District At L.B. Nagar and pass.

Counsel for the Petitioner(s): SRI. Katika Ravinder Reddy

Counsel for the Respondents: M. Ramakanth

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

Civil Revision Petition No.3918 of 2024

ORDER:

Heard Mr.Katika Ravinder Reddy, learned counsel for the petitioner and Mr.M.Ramakanth, learned counsel for the respondents. Perused the material available on record.

2. The instant Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India assailing the order dated 04.12.2024 passed in Tr.O.P.No.89 of 2024 by the Principal District and Sessions Judge, Ranga Reddy District at L.B.Nagar (for short 'the trial court').

3. Vide the said impugned order, the learned Principal District Judge has clubbed O.S.No.404 of 2018 pending before the II Additional Junior Civil Judge, Ranga Reddy District at Kukatpally, to the court of VI Additional Senior Civil Judge, Ranga Reddy District at Kukatpally.

4. The O.S.No.404 of 2018 is a suit for perpetual injunction and there is also an interim order which has been affirmed uptill the stage of High Court. O.S.No.160 of 2024 is a declarative suit with a prayer for recovery of possession.

5. The two suits have been filed by the two parties pertaining to the same suit schedule property and the dispute in the two suits also seems to be between the same parties.

6. Accordingly, the learned District Judge has transferred the suit pending before the court of II Additional Junior Civil Judge to the IV Additional Senior Civil Judge, to hear the two matters together.

7. The contention of the learned counsel for the petitioner is that there was no necessity for the transfer to be made at this juncture, particularly, when the earlier suit that was filed in the year 2018 i.e., the suit for perpetual injunction i.e., O.S.No.404 of 2018 has reached its fag end and just left for the final hearing and judgment of the case to be passed and which could have been decided within a short period of time. Whereas the other suit filed by the respondents i.e., suit for declaration is at its preliminary stage where the petitioners have filed a petition for rejection of plaint on the ground of it being barred by limitation. Therefore, the impugned order of transfer of the two suits to one court be set aside.

8. Upon due consideration of the entire facts and circumstances of the case, considering the fact that the petitioners already have an interim protection in O.S.No.404 of

2018 restraining the respondents from interfering with the possession of the petitioners and also considering the fact that the dispute primarily seems to be between the same parties in respect of the same suit schedule property, in order to avoid further complications and conflicting decisions, the decision of the Principal District Judge transferring the two suits together be heard by one of the judge cannot be found fault with.

9. As regards the objection of the petitioners that they have raised of rejection of plaint for being barred by limitation, this Court is of the considered opinion that let the same be decided on its own merits, in accordance with law, by the trial court and after the rejection of the same, appropriate recourse would be left open to be taken in accordance with law by either of the parties.

10. Accordingly, the instant Civil Revision Petition at this juncture stands rejected.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District and Sessions Judge Ranga Reddy District at L.B. Nagar. (with records if any)
2. One CC to SRI. Katika Ravinder Reddy, Advocate [OPUC]
3. One CC to SRI. M.Ramakanth, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

DATED:20/12/2024

ORDER
CRP.No.3918 of 2024



CIVIL REVISION PETITION IS REJECTED.

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