

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU
CIVIL REVISION PETITION No.1769 of 2023

ORDER:

This Civil Revision Petition is filed questioning the order passed in T.O.P.No.1389 of 2022, dated 13.06.2023, by the learned Principal District Judge, Guntur, by which two suits viz., O.S.No.4 of 2022 and O.S.No.99 of 2022 were directed to be tried together by the 2nd Additional District Judge, Guntur.

2) This Court has heard Sri Ghanta Ramarao, learned senior counsel as instructed by Sri Ghanta Sridhar, learned counsel for the revision petitioner and also Sri Rajareddy Koneti, learned counsel appearing for the respondents.

3) Sri Ghanta Ramarao, learned senior counsel argued that the Court erred in transferring both the matters together and that one suit, which is on the file of the Junior Civil Judge Court, was directed to be transferred to the Court of the 2nd Additional District Judge, Guntur to be tried along with O.S.No.99 of 2022. He contends that the written statement has not been filed in O.S.No.99 of 2022 and an

application for amendment of plaint is pending and that there is no progress whatsoever in the suit. He, therefore, contends that O.S.No.4 of 2022 is being stalled and delayed based upon the erroneous order passed by the Trial Court.

4) In reply, Sri Rajareddy Koteni submits that the substantial defence involved in the suits is the same; that the parties are the same; that it is not correct to state that in O.S.No.99 of 2022 the written statement is not filed. He points out that there are number of common and interlinked issues and there is a likelihood of conflicting judgments. He points out that in para 7 of the counter filed by the 1st and 2nd respondents it is clearly stated that there is no impediment to proceed with the trial. It is his contention that to avoid conflicting judgments both the matters should be tried together.

5) This Court after examining the contentions and the pleadings notices that there are certain common elements involved in both these matters. Initial rental agreement, subsequent rental agreement, purchase of the immovable property etc., are the issues involved, parties are also common. In the second suit O.S.No.99 of 2022 there is

also a reference to O.S.No.4 of 2022, which is directed to be transferred and tried together. In the opinion of this Court the mere fact that the written statement is not filed is not by itself enough to set aside the order. The contention in the counter is that the written statement has already been filed in O.S.No.99 of 2022, the 2nd Additional District Judge, Guntur, to which Court the suit in O.S.No.4 of 2022 is directed to be transferred, is requested to frame issues in O.S.No.99 of 2022 and try both the suits together making an endeavor to dispose off the same within shortest possible time.

6) With the above directions the Civil Revision Petition is dismissed as this Court is of the opinion that the essential objection about the delay is now answered. No costs. Opinions expressed are for the purpose of disposal of this Civil Revision Petition only.

7) Consequently, the Miscellaneous Applications pending, if any, shall also stand dismissed.

D.V.S.S.SOMAYAJULU, J

Date:14.09.2023.

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