IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY SEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION NO: 4180 OF 2024

Petition under Article 227 of the constitution of India aggrieved by the Order dated 05/07/2023 Passed in Tr.OP.No.58 of 2023 on the file of the Court of the Chief Judge, City Civil Court Hyderabad.

Between:

Shaik Ameeruddin, S/o Sikandar Basha, Aged about 43 years, Occ: Business, R/o H.No.39/B, Sanjeeva Reddy Nagar, Hyderabad.

...Petitioner/Petitioner

AND

Dr. Ismath Siddiqui, W/o Dr. J. Imtiaz Ahmed Khan, Aged about 89 years, Occ Retired RMO, Osmania General Hospital, R/o H.No.10-4-771/6, Sri Ram Nagar Colony, Masab Tank, Hyderabad Rep by her GPA holder Syed Mohammed Musharaf Hussain.

...Respondent/Respondent

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 direct withdraw OS.No.4918 of 2022 from Hon'ble V Junior Civil Judge, City Civil Court, Hyderabad and transfer the same to Hon'ble IX Additional Chief Judge, City Civil Court, Hyderabad to be tried along with OS.No.76 of 2023, till the disposal of the main suit.

Counsel for the Petitioner : Ms. Shakera Banu representing Sri M A K Mukheed

Counsel for the Respondent : _ _ _

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION No.4180 of 2024

ORDER:

Heard Ms. Shakera Banu, learned counsel representing M/s. M.A.K. Mukheed, learned counsel for the petitioner, on admission.

2. The challenge is mounted in this petition to the order dated 05.07.2023, whereby Tr.O.P.No.58 of 2023 on the file of Chief Judge, City Civil Court, Hyderabad, filed by the petitioner herein was dismissed. Aggrieved by the dismissal of the said petition filed under Section 24 of C.P.C, the present revision is preferred.

3. Learned counsel for the petitioner submits that parties in both the suits were same. The trial Court has rejected the petition mainly on the ground that the respondent, who has filed the suit for eviction is a senior citizen aged about 93 years and the cause of action in both the suits is different. No prejudice will be caused to the petitioner, if both the suits are tried differently. If the suits are clubbed together, it will cause undue delay which may cause prejudice to the respondent, who is a senior citizen.

4. Learned counsel for the petitioner further submits that the suit schedule properties of both the suits are similar. After

arguing for some time, she sought for time to file documents to show that the suit schedule properties in both the suits are same.

5. The impugned order does not refer to any convincing material which was placed before the trial Court to show that the suit schedule properties in both the suits are same/identical. The trial Court has taken a plausible view. The scope of interference under Article 227 of the Constitution is limited. If the impugned order is passed by a Court having no jurisdiction, order suffers from any patent illegality or palpable procedural impropriety, interference can be made. Another view is possible, is not a ground for interference. This Court cannot act as bull in the china shop to interfere on mere asking (see **Shalini Shyam Shetty vs. Rajendra Shankar Patil**[1]). In the instant case, there is no ingredient on which interference can be made.

6. In the result, the Civil Revision Petition is **dismissed**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

[1](2010) 8 SCC 329

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SECTION OFFICER

To,

1. The Chief Judge, City Civil Court Hyderabad
2. One CC to Sri M A K Mukheed, Advocate [OPUC]
3. Two CD Copies

CHR

ADK/gh

HIGH COURT

DATED:27/12/2024

ORDER

CRP.No.4180 of 2024



DISMISSING THE CRP

WITHOUT COSTS

(S) CHP
12/2/25