

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.213 of 2014

ORDER :

This petition is filed to withdraw O.S.No.65 of 2014 from the file of Senior Civil Judge, Armoor, and transfer the same to

I Additional District Judge, Nizambad, to be tried along with O.S.No.4 of 2012, to avoid conflicting judgments.

2. Petitioner herein is defendant in O.S.No.65 of 2014 and respondent herein is plaintiff in the said suit.

3. Heard both sides.

4. Advocate for petitioner submitted that part of property covered by partition suit in O.S.No.4 of 2012 is also involved in O.S.No.65 of 2014 and to avoid conflicting decisions, O.S.No.65 of 2014 has to be transferred to I Additional District Judge, Nizambad.

5. Other side opposed the petition and contended that the property was already gifted in favour of respondent herein by her father and property covered by O.S.No.65 of 2014 is nothing to do with the partition suit. But, this contention is a matter to be decided during trial of the suit and to avoid conflicting opinions, I feel that O.S.No.65 of 2014 should be tried simultaneously along with comprehensive suit filed for partition i.e., O.S.No.4 of 2012.

6. For these reasons, without prejudice to the rights of

both parties in respect of their contentions raised in the suit, O.S.No.65 of 2014 is withdrawn from Senior Civil Judge, Armoor, and transferred to

I Additional District Judge, Nizamabad, to be tried along with O.S.No.4 of 2012. The I Additional District Judge, Nizamabad, shall dispose of the suits within eight months from the date of receipt of records.

7. Accordingly, transfer C.M.P. is allowed. No costs.

8. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

16th February 2015.

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