

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.426 of 2014

ORDER:

This petition is filed to withdraw O.S.No.120 of 2012 from the file of Additional District Judge-cum-Special Judge for Trial of Cases under SC & ST (POA) Act and transfer the same to Additional Chief Judge, City Civil court, Hyderabad to be tried along with O.S.No.785 of 2012.

2. Petitioner herein is plaintiff in both the suits. O.S.No.120 of 2012 is filed for declaration and refund of Rs.5,05,06,795.87 ps and perpetual injunction, whereas O.S.No.785 of 2002 is filed after completion of the work for declaration and recovery of Rs.92,92,838/- from the respondents herein.

3. Advocate for petitioner submitted that both the suits arise out of the same contract and the evidence that has to be let in by both parties is common and if both the suits are tried by different Courts, there is possibility of conflicting opinions to avoid it, both suits have to be tried by one Court. He submitted since the work is completed and nothing remained at Khammam, it would be convenient, if O.S.No.120 of 2012 is withdrawn from Khammam Court and transferred to II Additional Chief Judge, City Civil Court, Hyderabad, where the other suit is pending. He submitted respondents are also having their corporate office at Hyderabad.

5. In spite of making appearance, no counter is filed disputing the request of petitioner for transfer.

6. Heard arguments.

7. I have perused the material papers i.e., plaints in O.S.No.120 of 2012 and O.S.No.785 of 2012. Pleadings in both the suits are

almost similar and the reliefs claimed in both the suits arise out of the contract that was entrusted to the petitioner under Work Order No. KOC.74, dated 01-10-2007.

8. Considering the nature of disputes and nature of claim, as rightly pointed out by advocate for petitioner, both the suits have to be tried by one Court to avoid conflicting decisions. As the other side has not filed any counter opposing withdrawal of suit from Khammam Court to City civil Court, Hyderabad, I feel that the request of petitioner can be considered.

9. For these reasons, O.S.No.120 of 2012 is withdrawn from the file of Additional District Judge-cum-Special Judge for Trial of Cases under SC & ST (POA) Act, Khammam and transferred to Additional Chief Judge, City Civil Court, Hyderabad to be tried along with O.S.No.785 of 2012, which is pending there.

10. Accordingly, this Transfer Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 09.02.2015.

gvl