

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.165 of 2015

**ORDER:**

This petition is filed under Section 24 CPC to withdraw A.S. No.198 of 2014 from the file of IV Additional District Judge, Kakinada and transfer the same to this Court for disposal along with A.S. No.86 of 2015.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. A perusal of the record reveals that the petitioner herein filed O.S. No.265 of 2011 on the file of II Additional Senior Civil Judge, Kakinada against the respondents herein for declaration that the registered cancellation deed dated 14.3.2011 (Doc. No.1975/1) is null and void. The respondent Nos.2 and 3 herein filed O.S.No.643 of 2011 on the file of the same court against the petitioner herein for declaration and cancellation of gift deed. The trial court clubbed both the suits. After full-fledged trial, the trial court dismissed O.S.No.265 of 2011 and decreed O.S.No.643 of 2011. The petitioner being aggrieved by the judgment and decree in O.S.No.643 of 2011 preferred A.S.No.198 of 2014 on the file of IV Additional District Judge, Kakinada. The petitioner being aggrieved by the judgment and decree in O.S.No.265 of 2011 preferred A.S.No.86 of 2015 on the file of this Court.

4. At the time of arguments, learned counsel for both the parties, in one voice, submitted that the petitioner filed A.S.No.198 of 2014 on the file of IV Additional District Judge, Kakinada basing on the value of the appeal. They further submitted that the subject matter of both the suits is one and the same. If both the appeals are disposed of independently, certainly it would lead to conflicting judgments. In order to avoid conflicting judgments and also in the interest of both the parties, I am of the considered view that it is a fit case to allow the transfer petition.

5. Accordingly, the Transfer CMP is allowed. A.S. No.198 of 2014 is withdrawn from the file of IV Additional District Judge, Kakinada and transferred to this Court for disposal along with A.S. No.86 of 2015. As a sequel, miscellaneous petitions pending in this transfer petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 18.6.2015.

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