

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.675 of 2015

ORDER:

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This petition is filed to transfer A.S.No.112 of 2013 pending on the file of II Additional District Judge, Guntur to the Court of Rent Control Appellate Authority-cum-Principal Senior Civil Judge, Guntur to try along with R.C.A.No.6 of 2015.

The case of the petitioner is that he is the tenant of the respondent and the respondent-landlord filed RCC.No.32 of 2009 on the file of Rent Controller-cum-Principal Junior Civil Judge, Guntur and the same was decreed against the petitioner on 20-03-2013. Aggrieved by the same, the petitioner preferred RCA.No.6 of 2015 before the appellate authority-cum-Principal Senior Civil Judge, Guntur, which is pending and the respondent filed O.S.No.892 of 2009 on the file of Principal Junior Civil Judge, Guntur for eviction in respect of suit schedule property. After elaborate trial, the said suit was decreed on 20-03-2013. Aggrieved by the same, the petitioner preferred A.S.No.112 of 2013 before the II Additional District Judge, Guntur, which is pending.

It is stated by both counsels that in both matters i.e. R.C.A.No.6 of 2015 and A.S.No.112 of 2013, the subject matter and the appellant and the respondent are one and the same.

Learned counsel for the respondent opposed the transfer stating that the 1st appeal pending in the District Court cannot be transferred to the Court of Senior Civil Judge, as the Senior Civil Judge is not competent to try the same.

Learned counsel for the petitioner states that he has no objection for transfer of R.C.A.No.6 of 2015 filed by the petitioner to the Court of II Additional District Judge, Guntur to be tried along with A.S.No.112 of 2013. For which, the

learned counsel for the respondent has also not opposed, since both the appeals pertaining to same property.

Since both counsel agreed, it is appropriate to transfer R.C.A.No.6 of 2015 pending on the file of Principal Senior Civil Judge, Guntur to the Court of II Additional District Judge, Guntur to be tried along with A.S.No.112 of 2013.

Accordingly, the Transfer CMP is disposed of. Since the appeal in A.S.No.112 of 2013 is of the year 2013, the learned District Judge can dispose of the same within a period of six months from the date of receipt of copy of the order. Miscellaneous petitions pending, if any, in the Tr.CMP. shall stand closed.

A.RAJASHEKER REDDY,J

15-12-2015

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