

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.337 of 2013

ORDER:

This petition is filed to withdraw O.S.No.110 of 2013 from the file of Junior Civil Judge, Tanuku, West Godavari District, and transfer the same to X Additional Junior Civil Judge, City Civil Court, Hyderabad, to be tried along with O.S.No.1795 of 2012.

2. Petitioner herein is plaintiff in O.S.No.1795 of 2012 and defendant in O.S.No.110 of 2013. According to his affidavit, he filed O.S.No.1795 of 2012 for recovery of money in respect of business transaction between petitioner and respondent. Respondent also filed O.S.No.110 of 2013 in respect of same business transaction before Tanuku Court and both the cases have to be tried by one Court. He contended that respondent herein in order to harass him filed O.S.No.110 of 2013 at Tanuku showing false territorial jurisdiction. However, since the transaction is one and the same, both the suits have to be tried by one Court to avoid conflicting decisions and for that reason, he prayed for transfer of O.S.No.110 of 2013, which is subsequent to filing of O.S.No.1795 of 2012, from Tanuku Court to

X Additional Junior civil Judge, City Civil Court, Hyderabad.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and also considering the fact that both the suits arise out of same business transaction and to avoid conflicting opinions, O.S.No.110 of 2013 is withdrawn from Junior Civil Judge, Tanuku, West Godavari District, and transferred to X Additional Junior Civil Judge, City Civil Court, Hyderabad, to be tried along with O.S.No.1795 of 2012.

6. Accordingly, transfer C.M.P. is ordered. No costs.

7. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

9th April 2015.

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