

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. Nos.503 and 504 of 2014

COMMON ORDER:

Tr.C.M.P.Nos.503 and 504 of 2014 are filed under Section 24 of C.P.C. to withdraw A.S.Nos.49 and 50 of 2014 from the file of III Additional District Judge, Bhimavaram and transfer the same to this court to be heard and disposed of, in accordance with law, along with A.S.No.772 of 2012 on the file of this Court.

2. The subject matter involved in both the Transfer Petitions is one and the same and hence, I am inclined to dispose of these two petitions by a common order.

3. The facts leading to filing of the present petitions are briefly as follows: The respondents herein filed O.S.No.68 of 1996 on the file of Senior Civil Judge, Bhimavaram for declaration and recovery of possession. After full-fledged trial, the suit was dismissed. Feeling aggrieved by the judgment and decree passed in O.S.No.68 of 1996, the petitioner herein filed A.S.No.772 of 2012 on the file of this Court. The petitioner filed O.S.Nos.103 of 1992 on the file of the Senior Civil Judge, Bhimavaram against the respondents seeking perpetual injunction and the same was dismissed on 03.8.2012. Feeling aggrieved by the decree and judgment in O.S.No.103 of 1992 of 1993, the petitioner filed A.S.No.199 of 2012 on the file of Additional District Judge, Narsapur, which was transferred to the file of III Additional District Judge, Bhimavaram and numbered as A.S. No.49 of 2014. The petitioner also filed O.S.Nos.31 of 1993 on the file of the Senior Civil Judge, Bhimavaram against the respondents seeking perpetual injunction and the same was dismissed on 03.8.2012. Challenging the decree and judgment in O.S.No.31 of 1993, the petitioner filed A.S.No.198 of 2012 on the file of Additional District Judge, Narsapur, which was transferred to the file of III Additional District Judge, Bhimavaram and numbered as A.S. No.50 of 2014. Hence, the petition.

4. Heard Sri K.Raja Reddy, learned counsel for the petitioner, Sri V.L.N.G.K. Murthy, learned counsel for the second respondent and Sri S.Subba Reddy, learned counsel for the respondent Nos.3, 5, 6 and 8 to 11.

5. A perusal of the record reveals that the parties to A.S. No.772 of 2012 and A.S.Nos.49 and 50 of 2014 are one and the same. The subject matter of the appeals

is almost one and the same. The relief sought in A.S.No.772 of 2012 is comprehensive when compared to the relief sought in A.S.Nos.49 and 50 of 2014. At the time of arguments, the learned counsel for both the parties in one voice submitted that the cause of action for all the three suits is almost one and the same and the parties are in all the appeals are one and the same. In order to avoid conflict of judgments, it is just and necessary to transfer A.S.Nos.49 and 50 of 2014 to this court to be heard and disposed of, in accordance with law, along with A.S.No.772 of 2012. Learned counsel for the respondents in all fairness submitted that in the best interest of both parties, it is just and necessary to transfer A.S. Nos.49 and 50 of 2014 to this court.

6. Having regard to the submissions made by learned counsel for both the parties and also in order to avoid conflict of judgments, I am inclined to transfer A.S.Nos.49 and 50 of 2014.

7. In the result, both the Transfer Civil Miscellaneous Petitions are allowed. A.S.Nos.49 and 50 of 2014 are withdrawn from the file of III Additional District Judge, Bhimavaram and transferred to the file of this Court to be heard and disposed of, in accordance with law, along with A.S.No.772 of 2012. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in both the Transfer Civil Miscellaneous Petitions, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.06.2015

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