

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.313 of 2015

Between:

Bandi Ramachandra Reddy

.. Petitioner

and

Banothu Atchamma and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wishes to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.313 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.S.No.167 of 2008 from the file of the Principal Junior Civil Judge, Mahabubabad, Warangal District and transfer the same to the file of the Senior Civil Judge, Mahabubabad, Warangal District to be tried along with O.S.No.142 of 2011 in accordance with law.

2. The petitioner filed Transfer O.P.No.1080 of 2014 on the file of the Principal District Judge, Warangal seeking transfer of O.S.No.167 of 2008 from the file of the Principal Junior Civil Judge, Mahabubabad to the file of the Senior Civil Judge, Mahabubabad to try along with O.S.No.142 of 2011. After hearing both the parties,

the Principal District Judge dismissed the petition.

3. In spite of service of notice, respondent Nos.1 and 4 did not choose to appear and contest the matter.

4. Learned counsel for both the parties in one voice submitted that the subject matter involved in O.S.No167 of 2008 and O.S.No.142 of 2011 is one and the same. They also in one voice submitted that originally the property belongs to respondent Nos.2 and 3.

5. The case of the petitioner is that he purchased the property from respondent Nos.2 and 3 under registered sale deed in the year 2006. The case of respondent Nos.1 and 4 is that they have purchased the property from respondent Nos.2 and 3 under oral agreement of sale.

6. The subject matter involved in both the suits is one and the same. The parties in both the suits are almost one and the same. If trial is conducted by two different Courts separately and independently, certainly it may lead to conflicting judgments.

7. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both the parties, I am of the considered view that the relief sought by the petitioner deserves to be allowed.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.S.No.167 of 2008 is withdrawn from the file of the Principal Junior Civil Judge, Mahabubabad, Warangal District and transferred to the file of the Senior Civil Judge, Mahabubabad, Warangal District to be tried along with O.S.No.142 of 2011 in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.07.2015

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