

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.128 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw A.S.No.187 of 2014 pending on the file of VII Additional District Judge, Visakhapatnam and transfer the same to this Court to hear along with A.S.No.690 and 691 of 2014.

2 Heard both sides.

3 A perusal of the record reveals that the respondent herein filed O.S.Nos.155, 156 and 175 of 2013 against the petitioner for eviction from the suit schedule properties and also for recovery of arrears of rent and damages on the file of the Court of the II Additional Senior Civil Judge, Visakhapatnam. After full fledged trial, the learned II Additional Senior Civil Judge, Visakhapatnam decreed the suits on 02.08.2014. Feeling aggrieved by the judgment and decree passed in O.S.Nos.155 and 156 of 2013, the petitioner filed A.S.Nos.690 and 691 of 2014 on the file of this Court, whereas challenging the judgment and decree passed in O.S.No.175 of 2013, the petitioner filed A.S.No.187 of 2014 on the file of VII Additional District Judge, Visakhapatnam basing on the value of the suit.

4 At the time of arguments, both counsel in one voice submitted that the subject matter involved in all the three appeals is one and the same. They further submitted that the parties to the proceedings are also one and the same. In that view of the matter, in order to avoid conflicting judgments and also in the interests of both parties, I am of the view that it is a fit case to allow this petition.

5 In the result, the petition is allowed and A.S.No.187 of 2014 pending on the file of the Court of VII Additional District Judge, Visakhapatnam is withdrawn from the file of the said Court and the same is transferred to this Court to hear along with A.S.Nos.690 and 691 of 2014. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 18.06.2015

Kvsn