

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.200 of 2015

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ORDER:

This petition is filed to withdraw O.S.No.360 of 2011 from the file of II Additional Senior Civil Judge, Ranga Reddy and transfer the same to II Additional District Judge, Warangal to be tried along with O.S.Nos.53 of 2011 and 94 of 2012.

2. Petitioner herein is defendant in a suit pending before Ranga Reddy Court i.e., in O.S.No.360 of 2011. He filed his affidavit in support of the transfer petition. According to his affidavit, he along with one Madisetty Savithri entered into an agreement of sale in respect of Ac.

2-00 cents of land in Sy.No.9/1, Saroornagar, Ranga Reddy District and the suit is filed for specific performance of that agreement. He contended that there is M.O.U. between himself and respondent and on account of that, he was forced to execute sale deeds without giving any opportunity to him to go through with the contents and he filed two suits before District Judge, Warangal for cancellation of those two documents and all these three suits have to be tried by one Court, therefore, the suit in O.S.No.360 of 2011 has to be transferred to II Additional District Judge, Warangal for a joint trial with O.S.Nos.53 of 2011 and 94 of 2012.

3. Advocate for petitioner submitted the suit agreement covered by O.S.No.360 of 2011 is only as a security for the investment for land in Sy.No.9/1, and these aspects have to be appreciated during trial, and to avoid conflicting opinions both suits have to be tried by one Court.

4. I have perused the plaint copy in O.S.No.360 of 2011 and plaint copies in O.S.Nos.53 of 2011 and 94 of 2012, which are filed along with transfer petition. No doubt, the parties in all the suits are one and the same, but the relief in O.S.No.360 of 2011 is for specific performance of an agreement of

sale, whereas the other suit O.S.No.53 of 2011 is for cancellation of three registered sale deeds, dated 28.05.2010, registered in Sub-Registrar's office, Vardannapet, Warangal and the other suit in O.S.No.94 of 2012 is for recovery of money. As seen from the pleadings, the cause of actions for all these three suits is different and distinct and the reliefs and the properties concerned in the suits is also distinct and different. The only common feature is parties are the same. The ground urged for transfer invoking Section 24 of CPC, namely, conflicting opinions cannot be accepted, as the reliefs in the three suits are separate and the causes of action are also different.

5. For these reasons, I am of the view that the provisions of Section 24 CPC are not attracted and the ground urged for transfer cannot be accepted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed at admission stage. No costs.

Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 13-04-2015

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