

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.168 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw A.S.No.362 of 2013 pending on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad and transfer the same to this Court to be heard along with C.C.C.A.No.39 of 2011.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the petitioner filed O.S.No.1481 of 2009 on the file of the Court of XXII Junior Civil Judge, City Civil Court, Hyderabad for cancellation of judgment and decree passed in O.S.No.3776 of 1994 and the same was dismissed. Feeling aggrieved by the judgment and decree passed in O.S.No.1481 of 2009, the petitioner preferred A.S.No.362 of 2013 on the file of XXIV Additional Chief Judge, City Civil Court, Hyderabad.

4 The second respondent herein filed O.S.No.334 of 2014 to declare that he is the absolute owner of the house bearing D.No.17-1-376/352. After full fledged trial, the said suit was dismissed. Feeling aggrieved by the judgment and decree passed in the said suit, the second respondent filed C.C.C.A.No.39 of 2011 and the same is pending on the file of this Court.

5 At the time of arguments, both counsel submitted that the subject matter in both the matters is the house bearing D.No.17-1-376/352 and that the parties in both the matters are also one and the same.

6 In that view of the matter, if both matters are heard by two different Courts, there is every possibility of conflicting judgments. Hence, in order to avoid conflicting judgments, it is just and necessary to transfer A.S.No.362 of 2013 pending on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad to this Court to be heard along with C.C.C.A.No.39 of 2011.

7 In the result, the Tr.CMP is allowed, A.S.No.362 of 2013 pending on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad is withdrawn from the file of the said Court and the same is transferred to this Court to be heard along with C.C.C.A.No.39 of 2011. Consequently, miscellaneous petition if any pending in this TR.CMP shall stand closed. No order as to costs.

T. SUNIL CHOWDARY, J

Date: 08.07.2015

Kvsn