

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.323 OF 2015

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ORDER :

This transfer petition is filed seeking transfer of OS.No.38 of 2007 pending on the file of Junior Civil Judge, Avanigadda, Krishna District to the Court of Senior Civil Judge, Repalle, Guntur District to be tried along with OS.No.68 of 2011.

The case of the petitioner is that during the life time of her husband i.e., Karra Sasi Kumar, he purchased land to an extent of Ac.0.63 cents in R.S.No.112/4, and Ac.1.01 cents in R.S.No.110/6 and Ac.0.04 cents in R.S.No.110/7, situated at Puritigadda of Krishna District by registered sale deed bearing No.418/1995 and thereafter he died on 10.08.2006. After his death the petitioner is enjoying the above properties by virtue of 'Will' executed by her husband on 26.01.2006. While so, the 1st respondent who is the mother-in-law of the petitioner filed OS.No.38 of 2007 on the file of Junior Civil Judge, Avanigadda for partition of the above suit schedule properties into two equal shares and to allot her one share. The petitioner also filed OS.No.68/2001 on the file of Senior Civil Judge, Repalle, Guntur District for partition of properties purchased by her father-in-law, who died intestate, against the 1st respondent herein and another.

The learned counsel for the petitioner submits that the 1st respondent is residing at Bhattiprolu and that if OS.No.38/2007 filed by the 1st respondent on the file of Junior Civil Judge, Avanigadda, Krishna District, is transferred to the Court of Senior Civil Judge, Repalle, Guntur District, which is 12 K.Ms. away from Bhattiprolu, no inconvenience would be caused to the 1st respondent and that it would be appropriate to decide both the

suits filed by the petitioner as well as 1st respondent, since the parties in both the suits are one and the same and the suits are filed for partition of different properties and to avoid conflict of decisions. More so, Avanidagadda, where the 1st respondent filed OS.No.38 of 2007, is 30 K.Ms. away from Bhattiprolu.

Though notice is ordered and served there is no appearance from the respondent and no counter affidavit is filed.

In view of the averments referred to supra and the submissions made by the learned counsel for the petitioner, the transfer petition is allowed transferring OS.No.38 of 2007 pending on the file of Junior Civil Judge, Avanigadda, Krishna District to the Court of Senior Civil Judge, Repalle, Guntur District to be tried along with OS.No.68 of 2011. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

03.12.2015
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