

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.349 of 2012

ORDER:

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This petition is filed to withdraw O.S.No.1406 of 2011 on the file of Senior Civil Judge's Court, Vijayawada, Krishna District and transfer the same to the Court of II Additional Metropolitan District Judge, Vijayawada to be tried along with O.S.No.12 of 2012 pending on its file.

The case of the petitioner is that she filed O.S.No.12 of 2012 against the respondents on the file of II Additional Metropolitan District Judge, Vijayawada for specific performance of agreement of sale dated 11-10-2010 executed them and to deliver possession of the property. The petitioner also came to know that subsequently, the respondents 1 and 2 executed unregistered agreement of sale on 09-03-2001 in favour of 3rd respondent and 2nd respondent also executed registered sale deed on 01-02-2011 in favour of 4th respondent and 3rd respondent filed O.S.No.1406 of 2011 for injunction against the petitioner and others, which is pending on the file of Senior Civil Judge, Vijayawada. In that suit, the petitioner and other respondents are also made as parties.

It is further submitted that the suit filed by petitioner is a comprehensive one and the schedule property in both suits is one and the same and have to be tried together to avoid conflicting decisions.

Though notices sent to the respondents, the respondents 1 and 2 have not claimed and the respondents 3 and 4 have received the notices.

No counter is filed by the 3rd respondent, which goes to show that the 3rd respondent has no objection for transferring O.S.No.1406 of 2011 pending on the file of Senior Civil Judge's Court to the II Additional Metropolitan District Judge, Vijayawada, wherein suit filed by the petitioner in O.S.No.12 of 2012 is pending. More so, transfer sought is from one Court to another Court in Vijayawada and that will not cause inconvenience to all the parties and moreover, the suit schedule property is one and the same in both the suits and parties are also the same. In view of the same, I feel that to avoid conflicting decisions and to save the time of the Court, since suit in O.S.No.12 of 2012 is pending on the file of II Additional Metropolitan District Judge, Vijayawada, the same cannot be transferred to Senior

Civil Judge's Court, Vijayawada. As such, suit in O.S.No.1406 of 2011 is transferred to II Additional Metropolitan District Judge, Vijayawada to be tried along with O.S.No.12 of 2012, which is filed for specific performance of contract.

Accordingly, the Transfer C.M.P. is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-12-2015
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