

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.700 of 2013

ORDER:

This petition is filed to withdraw A.S.No.16 of 2013 and Cross Objections on the file of Additional District Judge, Narasapuram to the file of this Court to be heard along with A.S.No.473 of 2013.

2. Petitioner herein is respondent in the appeal pending before Additional District Judge, Narasapuram and is appellant in the appeal pending before this Court in A.S.No.473 of 2013. According to his affidavit O.S.No.134 of 2004 and O.S.No.218 of 2007 were tried together and common evidence was recorded in O.S.No.218 of 2007 and by a common judgment dated 05.12.2012 both the suits are dismissed. According to his affidavit aggrieved by dismissal of both the suits, respective parties filed appeals and as per pecuniary jurisdiction petitioner filed his appeal before this Court and whereas the opposite party i.e., respondent herein filed her appeal before the Additional District Judge, Narasapuram. He stated that both the appeals have to be tried together for a proper and better adjudication. He contends that the appeal pending before the Additional District Court, Narasapuram has to be withdrawn and transferred to this Court.

3. Respondent inspite of service of notice, neither appeared in person nor represented through any advocate.

4. Advocate for the appellant submitted that as the two appeals arise out of common judgment, both the appeals have to be tried together and have to be disposed of by one Court, since the appeal pending before this Court is filed as per pecuniary jurisdiction, the other appeal pending on the file of Additional District Court, Narasapuram has to be withdrawn and transferred to this Court to be heard along with A.S.No.473 of 2013.

5. Considering the reasons stated in the affidavit and submission of the learned advocate for appellant, A.S.No.16 of 2013 along with Cross Objections is withdrawn from the file of Additional District Judge, Narasapuram and transferred to this Court for disposal in accordance with law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 1st March, 2016
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