

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CIVIL MISCELLANEOUS PETITION No.447 OF 2016

ORDER:

The petitioner is the defendant in O.S.No.58 of 2015 before the Court of the Junior Civil Judge, Kanigiri, Prakasam District. The respondent is the plaintiff in the suit, which is a suit for injunction

2. The parties to this petition are also parties to O.S.No.41 of 2013, pending on the file of the I Additional District Judge, Khammam, which is a suit for partition. Obviously, therefore, the question whether there should be joint trial of both the suits, which are referred above, could be a matter for consideration of a Court, before which both the suits are pending.

3. Having noticed that the parties involved are same in the litigation, I am satisfied that sufficient grounds have been shown for transfer of O.S.No.58 of 2015 from the Court of the Junior Civil Judge, Kanigiri, Prakasam District, to the Court of the I Additional District Judge, Khammam, Khammam District, in exercise of power conferred under Section 24 of the Code of Civil Procedure. It is clarified that the question whether there shall be joint trial or not would be left open to the transferring court to consider in accordance with law and on the basis of the facts of both the cases.

4. Subject to the aforesaid, the Transfer Civil Miscellaneous Petition is allowed transferring O.S.No.58 of 2015 from the Court of the Junior Civil Judge, Kanigiri, Prakasam District, to the Court of the I Additional District Judge, Khammam, Khammam District.

Miscellaneous petitions, pending if any, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

06.12.2018

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