

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P. No. 408 of 2016

ORDER:

This petition is filed to withdraw O.S.No.35 of 2014 from the file of I Additional Chief Judge, City Civil Court, Secunderabad, and transfer the same to Principal District Judge, Kadapa, where connected suit O.S.No.36 of 2014 is pending, which was transferred from Proddutur Court.

2. Respondent filed counter disputing the affidavit averments of petitioner.

3. Heard both sides.

4. Advocate for petitioner submitted that defence is taken in O.S.No.35 of 2014 and connected suit O.S.No.36 of 2014 with regard to execution of promissory note is one and the same and to avoid conflicting decisions, O.S.No.35 of 2014 should also be transferred to Principal District Judge, Kadapa.

5. On the other hand, advocate for respondent submitted that respondent herein is nothing to do with the transaction between Damodar and Balaji and respondent is a bonafide creditor and defence taken by defendant with regard to execution of promissory note is not tenable. It is further submitted that all the witnesses and respondent are residents of Secunderabad and if O.S.No.35 of 2014 is transferred to Principal District Judge, Kadapa, both respondent and witnesses would suffer inconvenience, therefore, transfer C.M.P. is liable to be dismissed.

6. I have perused the material papers including the order of this Court passed in Tr.C.M.P.No.203 of 2016 dated 09.06.2016. This Court has withdrawn O.S.No.34 of 2014 from I Additional Chief Judge, City Civil Court, Secunderabad, and transferred to Principal District Judge, Kadapa, as against the request of petitioner herein to transfer the same to Proddatur, Kadapa District. This Court also passed an order withdrawing the suit pending at Proddatur Court and transferred to Principal District Court, Kadapa, since defence raised with regard to execution of promissory note is one and the same. Now, in this O.S.No.35 of 2015 also the very same plea is taken though plaintiff is different, defendant is same. It is specific case of defendant that one Balaji obtained blank promissory notes and filled the names of different persons. The contest involved in all the three suits is one and the same. Considering these aspects, I am of the view that O.S.No.35 of 2014 should also be tried by the very same Court, where the other two suits are pending to avoid conflicting decisions and multiplicity of proceedings.

7. For these reasons, O.S.No.35 of 2014 is withdrawn from

I Additional Chief Judge, City Civil Court, Secunderabad, and transferred to Principal District Judge, Kadapa, for disposal in accordance with law along with O.P.Nos.34 and 36 of 2014.

8. Accordingly, this transfer C.M.P. is ordered.

9. Miscellaneous petitions pending, if any, shall stand closed.

13th July 2016.
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S. RAVI KUMAR, J