

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.9 of 2016

ORDER:

This petition is filed to withdraw O.S.No.519 of 2012 from the file of VI Additional District Judge-cum-Mahila Sessions Court, Visakhapatnam, and transfer the same to XI Additional District and Sessions Judge (SC/ST (POA) Act cases Court), Visakhapatnam, where O.S.No.263 of 2012 is pending.

2. Petitioner herein is plaintiff in O.S.No.263 of 2012 pending on the file of XI Additional District and Sessions Judge, Visakhapatnam and according to her affidavit, O.S.No.519 of 2012 pending on the file of VI Additional District Court has to be tried along with O.S.No.263 of 2012 to avoid conflicting decisions as the contentions and rival contentions in both the suits are one and the same. O.S.No.263 of 2012 is filed for declaration of title over the plaint schedule property. Whereas O.S.No.519 of 2012 is filed for specific performance of contract of sale dated 21.02.2011 in respect of ground floor of the building bearing No.36-93-156, Indira Nagar, Kancharapalem, Visakhapatnam.

3. Respondent filed counter contending that two suits and another suit O.S.No.217 of 2013, which is filed for partition, is pending before VI Additional Senior Civil Judge, Visakhapatnam and these three suits have to be tried by one Court and if that O.S.No.217 of 2013 is also

withdrawn, respondent has no objection for transfer of O.S.No.519 of 2012 as prayed by petitioner.

4. Advocate for petitioner submitted that petitioner has no objection for withdrawing O.S.No.217 of 2013 from VI Additional Senior Civil Judge, Visakhapatnam, and transfer all the three suits to one Court.

5. Considering the submissions of both sides and considering the affidavit and counter affidavit of both parties, O.S.No.519 of 2012 is withdrawn from VI Additional District Judge-cum-Mahila Sessions Court, Visakhapatnam, and transferred to XI Additional District and Sessions Judge (SC/ST (POA) Act cases Court), Visakhapatnam. O.S.No.217 of 2013 is withdrawn from VI Additional Senior Civil Judge, Visakhapatnam, and transferred to XI Additional District and Sessions Judge (SC/ST (POA) Act cases Court), Visakhapatnam, to be tried in accordance with law. The XI Additional District and Sessions Judge (SC/ST (POA) Act cases Court), Visakhapatnam, shall try these transfer suits i.e., O.S.No.519 of 2012 from VI Additional District Judge-cum-Mahila Sessions Court, Visakhapatnam and O.S.No.217 of 2013 from VI Additional Senior Civil Judge, Visakhapatnam along with O.S.No.263 of 2012 pending on its file.

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

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

S. RAVI KUMAR, J

20th April 2016.

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