

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.747 of 2015

ORDER:

This petition is filed to withdraw O.S.No.171 of 2015 from the file of 27th Additional Chief Judge, City Civil Court, Secunderabad and transfer the same to VI Metropolitan Sessions Judge, City Civil Court, Secunderabad to be tried along with O.S.No.44 of 2005.

2. Petitioners herein contended that they filed O.S No.171 of 2015 for specific performance of agreement of sale dated 15.02.1988 and supplement agreement dated 04.05.1998 and first respondent herein filed O.S.No.44 of 2005 for dissolution, partition, cancellation of agreement and possession and the same is pending before VI Metropolitan Sessions Judge, City Civil Court, Secunderabad and as the common questions are involved, this suit has to be transferred from 27th Additional Chief Judge, City Civil Court, Secunderabad to VI Metropolitan Sessions Judge, City Civil Court, Secunderabad.

3. Advocate for respondent submitted that the suit in O.S.No.44 of 2005 is at the stage of defendants' evidence and O.S.No.171 of 2015 is a fresh suit and this cannot be clubbed with that suit. He submitted so far as transfer is concerned, respondents have no objection but for joint trial, they have got every objection

4. Considering the submissions of both sides, O.S.No.171 of 2015 is withdrawn from the file of 27th Additional Chief Judge, City Civil Court, Secunderabad and transferred to VI Metropolitan Sessions Judge, City Civil Court, Secunderabad. With regard to joint trial and

common disposal, it is for the trial court to decide after considering the contentions and rival contentions of both parties, with reference to issues involved in both suits.

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

S. RAVI KUMAR, J

Date: 19-02-2016
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