

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.175 of 2016

ORDER:

This petition is filed to withdraw Arbitration O.P.No.2227 of 2015 from IX Additional Chief Judge, City Civil Court, Hyderabad and transfer the same to Chief Judge, City Civil Court, Hyderabad.

2. Petitioner filed arbitration O.P. under Section 34 of Arbitration Act against Award dated 10.06.2015 and respondent No.1 herein also filed O.P.No.1847 of 2015 against same Award before Chief Judge, City Civil Court, Hyderabad and both O.Ps have to be heard by one Court to avoid conflicting decisions. For that reason, he prayed for transfer of O.P.No.2227 of 2015 filed before IX Additional Chief Judge, City Civil Court, Hyderabad to the Court of Chief Judge, City Civil Court, Hyderabad to be tried along with O.P.No.1847 of 2015.

3. This Court permitted petitioner to take out personal notice to respondent No.1 through registered post with acknowledgment due and in compliance of that order, it is represented that notice was sent to respondent No.1 on 05.08.2016, till now postal acknowledgment is not received, but as per track report of postal department, registered post was delivered to respondent No.1 on 10.08.2016. Advocate for petitioner filed copy of track report along with postal receipt.

4. Respondent No.2 is only a formal party being arbitrator. No one appeared for respondent No.1.

5. Considering reasons stated in the affidavit and considering the fact that as both O.Ps are filed questioning Award dated 10.06.2015 to avoid conflicting decisions, these two O.Ps have to be decided by one Court.

6. Considering the same, O.P.No.2227 of 2015 is withdrawn

from file of IX Additional Chief Judge, City Civil Court, Hyderabad and transferred to Chief Judge, City Civil Court, Hyderabad to be tried along with O.P.No.1847 of 2015.

7. Accordingly, the Transfer Miscellaneous Petition is ordered.
No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 26-08-2016
kvrn