

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.29 of 2016

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ORDER:

This Transfer CMP is filed by the petitioner for transfer of OS.No.5 of 2013, pending on the file of the Court of Junior Civil Judge, Kovvur, filed by the 1st respondent herein for specific performance of agreement of sale dated 14.05.1995, 25.07.2012 against the petitioner and respondents 3 and 4 in respect of the property which is the subject matter in OS.No.119 of 2008, to the Court of the Principal Senior Civil Judge, Kovur, SPSR Nellore District where OS.No.119/2008 is pending; and to try along with OS.No.119 of 2008.

Though notice is served, no counter affidavit is filed by the respondent and there is no opposition from the respondent.

Learned counsel for the petitioner submits that since the parties, schedule property and evidence in both the suits i.e. OS.No.5 of 2013 and OS.no.119 of 2008, are common, to avoid conflicting decisions and to save the valuable time of both the Courts and parties, it is just and necessary to transfer OS.No.5 of 2013.

In the instant case OS.No.5 of 2013 is filed by the 1st respondent herein for specific performance of agreement of sale dated 14.05.1995, 25.07.2012 against the petitioner and respondents 3 and 4 herein in respect of the property which is the subject matter in OS.No.119 of 2008. OS.No.119 of 2008 is filed for cancellation of registered sale deed dated 05.11.2008 in respect of the property which is the subject matter in OS.No.5 of

2013. Since the parties, schedule property and evidence in both the suits are common, to avoid conflicting decisions and to save the valuable time of both the Courts and parties, I deem it proper to transfer OS.No.5 of 2013, pending on the file of the Junior Civil Judge, Kovur to the Court of Principal Senior Civil Judge, Kovur, SPSR Nellore District to be tried along with OS.No.119 of 2008. Further it would be convenient for both the parties to attend the proceedings in one Court instead of two Courts.

Accordingly, the Tr.CMP is allowed and OS.No.5/2013, pending on the file of the Junior Civil Judge, Kovur is transferred to the Principal Senior Civil Judge, Kovur, SPSR Nellore District to be tried along with OS.No.119 of 2008.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.02.2016

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