

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.686 of 2015

ORDER:

This petition is filed to withdraw O.S.No.730 of 2014 from the file of I Additional Senior Civil Judge, Vijayawada, Krishna District and transfer the same to IV Additional District Judge, Guntur to adjudicate the claim in the suit and claim in E.A.No.27 of 2014 in E.P.No.8 of 2014 in O.S.No.119 of 2011 simultaneously to avoid conflicting findings and decisions.

2. Petitioner herein is D.4 in the above referred O.S.No.730 of 2014, who is Decree holder in E.P.No.8 of 2014. The property in O.S.No.730 of 2014 and property in claim petition in E.A.No.27 of 2010 are one and the same and the pleadings in respect of claim of this property are also one and the same.

3. As seen from the material, there are other proceedings between the same parties in respect of property covered by O.S.No.730 of 2014. In respect of other items which are situated within the jurisdiction of Guntur District, as many as 7 proceedings are pending and out of them, 6 are in the courts in Guntur District and only one matter is in Krishna District.

4. Plaintiff in O.S.No.734 of 2016 also filed Tr.C.M.P.No.234 of 2016 to withdraw O.S.No.284 of 2015 from IV Additional Senior Civil Judge, Guntur and transfer the same to I Additional Senior Civil Judge, Vijayawada, Krishna District to try along with this suit and so also he also filed another Tr.C.M.P No.236 of 2016 to withdraw O.S.No.106 of 2014 from the file of Senior Civil Judge, Mangalagiri, Guntur District and transfer the same to I Additional Senior Civil Judge, Vijayawada, Krishna District to try along with the said O.S.No.730 of 2014.

5. Petitioner in transfer C.M.P.No.680 of 2015 has already filed transfer petition before District Judge to transfer the very same suits to the Court of IV Additional District Judge for common disposal.

6. I have perused the affidavit filed in support of this transfer petition and the counter-affidavit filed on behalf of first respondent and also the reply affidavit filed on behalf of petitioner to the counter-affidavit filed on behalf of first respondent and counters of other respondents also.

7. From pleadings, it is clear that out of proceedings pending between parties, 6 are in Guntur district and only one matter is in Krishna district, which is in respect of Ac.0.50 cents of land at Gollapudi village and all other properties are within jurisdiction of Guntur district.

8. As seen from the contentions and rival contentions, the issues involved in all these proceedings are inter connected, and if these matters are tried and decided by different courts, there is every likelihood of conflicting decisions. So, to avoid conflicting decisions and findings, I feel that all these matters have to be tried by one court.

9. As petitioner herein has already initiated proceedings to get remaining suits within jurisdiction of Guntur to the Court of IV Additional District Judge, Guntur, I deem it appropriate to consider the request of petitioner herein to withdraw O.S No.730 of 2014 from I Additional Senior Civil Judge, Vijayawada and transfer the same to IV Additional District Judge, Guntur, where the claim petition filed by very same plaintiff is pending.

10. For these reasons, O.S No.730 of 2014 is withdrawn from I Additional Senior Civil Judge, Vijayawada and transferred to IV Additional District Judge, Guntur to try along with E.A No.27 of 2014 in E.P.No.8 of 2014 in O.S.No.119 of 2011 in accordance with law.

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

S. RAVI KUMAR, J

Date: 30-06-2016.

gvl