

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.38 of 2013

ORDER:

This petition is filed to withdraw O.S.No.202 of 2011 from the file of VIII Additional District Judge, Vijayawada, Krishna District and transfer the same to VII Additional District Judge, Vijayawada, Krishna District to be tried along with O.S.Nos.126 & 127 of 2011.

2. Petitioners herein are defendants in all the three suits and according to affidavit filed in support of the transfer petition, some of the properties in all the 3 suits are common, and as the parties are claiming title through different sources, these suits have to be tried by one officer to avoid conflicting decisions.

3. Respondents filed counter disputing the affidavit averments of petitioners and contended that the properties involved in all the suits are not one and the same and they are different and distinct and that the causes of actions are also different and distinct and there is no common issue to be tried in any or all the three suits, therefore transfer petition is not maintainable.

4. Heard both sides.

5. Both sides submitted their arguments supporting the respective contentions of their clients.

6. I have perused the material papers and on a consideration of submissions of both sides and material papers, I am of the view that instead of going into merits and demerits of the contentions and rival contentions of both parties, if all the suits are

sent to one court leaving it to the discretion to the trial court, whether to try them jointly or simultaneously, the purpose would be served.

7. As two suits are pending before VII Additional District Judge, Vijayawada, I feel that single suit i.e., O.S.No.202 of 2011 pending on the file of VIII Additional District Judge is to be withdrawn and transferred to VII Additional District Judge, Vijayawada, where two suits are pending for disposal in accordance with law. It is open for the trial court to decide whether common trial is required or the suits have to be tried separately.

8. Both sides requested to stipulate time for disposal of these two suits.

9. Considering the request of both sides, trial Court is directed to dispose of suits, as expeditiously, as possible, preferably, within nine (09) months from the date of receipt of the records.

10. Accordingly, this Transfer Civil 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: 31-03-2016

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