

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.419 of 2016

ORDER:

This application is filed to withdraw O.S.No.555 of 2012 from the file of V Additional District Judge, Visakhapatnam, and transfer the same to Court of I Additional District Judge, Visakhapatnam, to be tried along with O.S.No.566 of 2012.

2. Petitioner herein is defendant in both the suits which are filed by different plaintiffs for recovery of money. Petitioners herein contended that they approached Principal District Judge, Visakhapatnam, for the very same relief and that their O.P. was dismissed on 21.01.2015. According to affidavit filed in support of petition, to overcome multiplicity of litigation and to save time of Court, both suits have to be tried by one Court. But as seen from record, plaintiffs are different, cause of action is different and defence taken in one suit is nothing to do with defense taken in other suit. So also, transactions in both suits are distinct and different. As rightly pointedly out by advocate for respondents, no common issue is involved in both suits and simply because defendants are same, their contention that there would be multiplicity of proceedings cannot be accepted.

3. On a scrutiny of material, I am of the view that no common issue is involved in both suits. Therefore, there are no grounds for transfer of O.P. to avoid any conflicting findings.

4. For these reasons, the petition is dismissed. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

29th August, 2016.

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