

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP Nos. 712 and 717 of S2015

COMMON ORDER:

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Transfer CMP No.712 of 2015 is filed to withdraw O.S.No.129 of 2014 from the file of Junior Civil Judge, Tadipatri, Anantapur District to the Court of Principal Senior Civil Judge, Kurnool to be tried along with O.S.Nos.375 of 201, 395 of 2014 and O.S.No.397 of 2014.

Transfer CMP.NO.717 of 2015 is filed to withdraw O.S.No.171 of 2014 from the file of Senior Civil Judge, Gooty, Ananthapur to the Court to Principal Senior Civil Judge, Kurnool to be tried along with O.S.Nos.375 of 2015, 395 of 2014 and 397 of 2014.

The case of the petitioner is that originally his father Sri Raja Reddy along with two others viz., one N.V.Chalapathi Reddy and S.Narasimha Reddy did Real Estate business in Kurnool and they sustained huge loss in the said business. It is stated that later when the father of the petitioner was hospitalized, his signatures were forcibly taken on six pronotes at Kurnool. Taking undue advantage of said pronotes N.V.Chalapathi Reddy filed six suits, among them four suits were filed in Kurnool i.e. O.S.No.375 of 2014 through his father-in-law by name P.Narayana Reddy, O.S.No.395 of 2014 through his wife Smt.N.Varalakshmi, O.S.No.397 of 2014 through his elder brother by name N.Vijaya Tirupathi Reddy and O.S.No.386 of 2014 on his name. Apart from the above, O.S.No.171 of 2014 and O.S.No.129 of 2014 were also filed through the brother of his father-in-law by name P.Laxmi Narayana Reddy and through the respondent in Tr.CMP.No.712 of 2015. It is stated that in all these matters, the scribe is one and attestor is also same who belongs to Kurnool. The allegation is that in all the pronotes the address of the petitioner is shown as Kurnool, but in O.S.No.129 of 2014, his address is wrongly shown as he is resident of Ananthapur though door number is mentioned pertaining to Kurnool and the suit summons were sent to Kurnool address and only for the purpose of showing cause of action and jurisdiction, his address is wrongly

mentioned. It is also stated that the petitioner has also lodged a complaint as well issued legal notice, but the police under influence of Chalapathi Reddy did not take any action. It is stated that the defence taken in all the suits is one and the same and as such, transfer is sought to avoid conflicting judgments.

Though notice is sent and served no counter affidavit is filed by the respondent.

Heard learned counsel for the petitioner.

The above facts, which are averred in the affidavit, filed in support of the Transfer CMPs goes to show that altogether six suits are filed. The petitioner has taken same defence in all the suits. To avoid conflicting judgments, I deem it fit that suits in O.S.No.129 of 2014 and O.S.No.171 of 2014 be transferred to Principal Senior Civil Judge's Court, Kurnool to be tried along with O.S.Nos.375, 395 and 397 of 2014.

Accordingly, both the Transfer CMPs are allowed. As a sequel to the disposal of these petitions, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

20-01-2016
Nvl

