

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.761 OF 2015

Dated 15-3-2016

Between:

K.S.Prasanna Kumar.

..Petitioner.

And:

S.K.Esther and others.

..Respondents.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.761 OF 2015

ORDER:

This application is filed to withdraw O.P.No.43 of 2014 from Principal Senior Civil Judge, Ranga Reddy, L.B.Nagar, Hyderabad and transfer the same to I Additional Senior Civil Judge, City Civil Court, Hyderabad to be tried along with O.P.No.33 of 2014.

Petitioner herein filed O.P.No.33 of 2014 before I Additional Senior Civil Judge, City Civil Court, Hyderabad claiming legal heir certificate in respect of late K.S.Vijaya Kumar as brother of K.S.Prasanna Kumar.

Respondents herein who are claiming as wife and children of late Vijaya Kumar filed O.P.No.43 of 2014 before Principal Senior Civil Judge, Ranga Reddy, L.B.Nagar for succession certificate.

As seen from the record, late Vijaya Kumar was employee of Central Government organization who took voluntary retirement on 14-6-2013 and for the retirement benefits after his death, petitioner and respondents 1 to 3 filed respective petitions for grant of succession certificates.

Respondents filed counter opposing transfer and

contended that O.P. before Ranga Reddy Court is part heard matter and witnesses in part were already examined on behalf of both parties, whereas O.P. before City Civil Court is yet to commence. On this ground, they objected withdrawal of O.P. from Ranga Reddy Court and transfer to City Civil Court, Hyderabad.

Heard both sides.

I have perused material papers including copies of depositions filed along with counter. Since both parties claiming succession certificate in respect of retirement benefits of late Vijaya Kumar, these O.Ps. have to be decided by one court to avoid conflicting decisions. As seen from the material, O.P. pending before Principal Senior Civil Judge, Ranga Reddy is a part heard matter and already witnesses are examined, therefore, I feel it just and proper instead of transferring O.P. from Ranga Reddy to Hyderabad. O.P. pending before City Civil Court, Hyderabad has to be withdrawn and transferred to Ranga Reddy Court to be tried along with O.P.No.43 of 2014, pending in Ranga Reddy Court. .

For the above reasons, O.P.No.33 of 2014 pending on the file of First Additional Senior Civil Judge Court, Hyderabad is withdrawn and transferred to Principal Senior Civil Judge, Ranga Reddy at L.B.Nagar to be tried along with O.P.No.43 of 2014 pending there.

This Transfer C.M.P. is ordered accordingly. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 15-3-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

TRANSFER C.M.P.No.761 OF 2015

Dated 15-3-2016

Dvs