

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.267 of 2016

ORDER:

This petition is filed to withdraw O.S.No.25 of 2015 from the file of XV-Additional District Judge, Nuzvid, Krishna District, and transfer the same to VII-Additional District Judge-cum-Family Court, Eluru, West Godavari District.

2. Petitioners herein are plaintiffs in O.S.No.25 of 2015 and they filed the said suit for declaration in respect of plaint schedule properties. Respondent Nos.4 to 6 herein filed O.S.No.34 of 2004 for partition and Items No.3 and 6 of O.S.No.25 of 2015 are also subject matters of partition suit. Advocate for petitioner represented to avoid conflicting judgments, both the suits have to be tried together, therefore, petitioners sought transfer of their suit to VII-Additional District Judge-cum-Family Court, Eluru, West Godavari District, for disposal in accordance with law, along with O.S.No.34 of 2004 pending before that Court.

3. Respondent Nos.1 to 6 in spite of service of notice, neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit filed in support of petition and considering the fact that some properties in the partition suit are subject matter of the declaratory suit and to avoid conflicting findings, I deem it appropriate that the suit filed by

petitioners can be transferred to VII-Additional District Judge-cum-Family Court, Eluru, West Godavari District.

6. Accordingly, O.S.No.25 of 2015 is withdrawn from XV-Additional District Judge, Nuzvid, Krishna District, and transferred to VII-Additional District Judge-cum-Family Court, Eluru, West Godavari District, for disposal in accordance with law.

7. Transfer C.M.P. is ordered accordingly.

8. Miscellaneous petitions pending, if any, shall stand closed.

9th September 2016.

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S. RAVI KUMAR, J

