

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.203 of 2016

ORDER:

This petition is filed to withdraw the Suit in O.S. No.34 of 2014 from the Court of I Additional Chief Judge, City Civil Court, at Secunderabad, and transfer the same to the Court of II Additional District Judge, Kadapa at Proddatur, to be tried along with the suit in O.S. No.36 of 2014.

02. The Petitioner herein is the defendant in O.S. No.34 of 2014 on the file of the I Additional Chief Judge, City Civil Court, Secunderabad. The said suit was filed by the respondent herein. The petitioner along with another filed O.S. No.36 of 2014 before the II Additional District Judge, Kadapa at Proddatur, for specific performance of agreement of sale dated 22.04.2010, whereas the suit in O.S. No.34 of 2014 was filed for recovery of money.

03. In the affidavit filed in support of transfer application, it is stated that the plea taken in the plaint in O.S. No.36 of 2014 and the plea taken in written statement in O.S. No.34 of 2014, is one and the same i.e., in respect of two promissory notes and, therefore, to avoid conflict of decisions, these Suits have to be tried by one court.

04. Respondent filed counter disputing the affidavit averments of petitioner.

05. Heard learned counsel for the petitioner and the learned counsel for the respondent.

06. Learned counsel for the petitioner submits that both parties are residents of Proddatur, Kadapa District, and even the Suit property is also situated within the jurisdiction of Proddatur Court and the Suit in O.S. No.34 of 2014 is filed before the

I Additional Chief Judge, City Civil Court, Secunderabad, only to harass the petitioner herein.

07. On the other hand, learned counsel for the respondent opposed the transfer application inter alia contending that since long time there was no Presiding Officer at Proddutur Court, and a camp court is being held at Proddutur twice in a week. It is further contended that if the Suit in O.S. No.34 of 2014 is withdrawn and transferred to the Court of II Additional District Judge, Kadapa at Proddutur, there would be delay in disposal of the Suit. He submits that he has no objection to transfer the Suit in O.S. No.34 of 2014 to any other Court other than to the Court of II Additional District Judge, Kadapa at Proddutur.

08. Considering the submissions of both the learned counsel, and also considering the fact that the plea of petitioner in the plaint in O.S. No.36 of 2014 and in the written statement in O.S.No.34 of 2014, is one and the same i.e. in respect of two promissory notes, I deem it fit to withdraw and transfer both the Suits to the Court of Principal District Judge, Kadapa, to meet the ends of justice.

09. Hence, the Suit in O.S. No.34 of 2014 is withdrawn from the Court of I Additional Chief Judge, City Civil Court, Secunderabad and transferred to the Court of Principal District Judge, Kadapa, so also the Suit in O.S. No.36 of 2014 is withdrawn from the Court of II Additional District Judge, Kadapa at Proddutur and transferred to the Court of Principal District Judge, Kadapa, for disposal in accordance with law.

10. Accordingly, the petition is ordered. No costs.

11. Miscellaneous Petitions pending, if any, in this transfer petition shall stand dismissed.

09.06.2016
BV

S. RAVI KUMAR, J