

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer Civil Miscellaneous Petition No.670 of 2015

ORDER:

The plaintiffs in OS.No.137 of 2015 on the file of the Court of the learned XIII Additional District Judge, Ranga Reddy District, Hyderabad, filed this transfer petition under Section 24 read with 151 of the Code of Civil Procedure, 1908, seeking transfer of the said suit to the file of the Court of the learned IX Additional Chief Judge, City Civil Court, Hyderabad, where the other suit-OS.No.397 of 2015 filed by them is pending, for trial and disposal of both the suits by the latter Court in accordance with the procedure established by law.

Sri S. Srinivas Reddy, learned counsel for the petitioners-plaintiffs, would submit that OS.No.137 of 2015 is filed mainly based on a contract of guarantee and that subsequently a registered development agreement-cum-GPA dated 10.06.2013 was executed and that the second suit-OS.No.397 of 2015 is filed for recovery of money mainly based on promissory notes, *inter alia*, pleading the other contentions and that the parties to the suits and their pleadings are common, except insofar as the respondents 1 and 2, who are not made as parties to OS.No.397 of 2015 and that as both the suits are now coming for settlement, if any, under Section 89 of the Code, no prejudice would be caused to any of the parties if the former suit is transferred and that it is also in the interests of justice to grant the relief, as prayed for, to avoid conflicting judgments.

However, Sri G. Vasantha Rayudu, learned counsel for the 2nd respondent, opposed for granting the request for transfer as prayed for by the petitioners. He would further submit that the suits are to be tried by a Commercial Court and that the XIII Additional District Court at Ranga Reddy District is designated as a special Court for dealing with the commercial cases

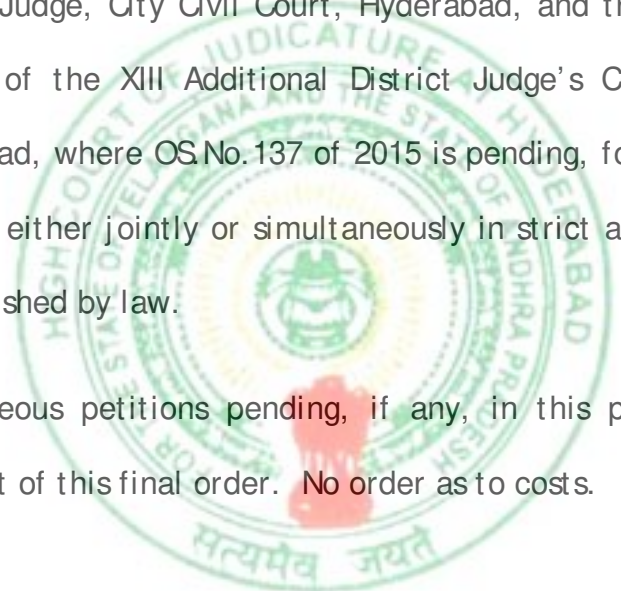
and therefore, the transfer of OS.No.137 of 2015 from that Court to the file of the IX Additional Chief Judge's Court is impermissible.

In reply, the learned counsel for the petitioners-plaintiffs would submit the only request of the petitioners is that both the suits shall be tried and disposed of by the same Court to avoid conflicting judgments and therefore the petitioners have no objection to transfer the suit-OS.No.397 of 2015 from the file of the IX Additional Chief Judge's Court to the former Court.

Having regard to the facts and the submissions, the petition is disposed of withdrawing OS.No.397 of 2015 on the file of the Court of the learned IX Additional Chief Judge, City Civil Court, Hyderabad, and transferring the said suit to the file of the XIII Additional District Judge's Court, Ranga Reddy District, Hyderabad, where OS.No.137 of 2015 is pending, for trial and disposal of both the suits either jointly or simultaneously in strict accordance with the procedure established by law.

Miscellaneous petitions pending, if any, in this petition shall stand closed in the light of this final order. No order as to costs.

03.11.2016
Vjl


M. SEETHARAMA MURTI, J