

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.723 of 2015

ORDER:

This petition is filed by the petitioner/wife to withdraw O.P.No.1335 of 2010 from the file of Chief Judge's Court, City Civil Courts, Hyderabad and transfer the same to the Additional Chief Judge, City Civil Courts (FTC), Hyderabad to be tried along with OP.No.1057 of 2011.

The case of the petitioner is an award, dated 07-11-2009 is passed in Case No.12 of 2005 by the 2nd respondent in the dispute, which arose between the petitioner and the 1st respondent. Against the said award, the petitioner filed OP.No.1335 of 2010 before the Chief Judge's Court, City Civil Courts, Hyderabad in respect of disallowed portion of his claim. The respondent filed OP.No.1057 of 2011 before the 24th Additional Chief Judge's Court, City Civil Courts (FTC) Hyderabad to set aside the said award. Parties are one and the same in both the OPs and the subject matter of both OPs is same. In view of the same, the present Tr.CMP is filed.

Though counter is filed, the factual aspect is not disputed by the 1st respondent and he has not raised any clear objection for opposing transfer of the OPs.

The 1st respondent admitted about pendency of OPs. and requested to pass appropriate orders.

In view of the fact that both OPs arose out of the same award passed by the Arbitrator-the 2nd respondent. Out of them, one is filed to set aside the award and another is filed for grant of relief, which is denied by the Arbitrator.

In view of the same, OP.No.1335 of 2010 filed by the petitioner is withdrawn from the file of Chief Judge's Court, City Civil Courts, Hyderabad and transferred the same to the Additional Chief Judge, City Civil Courts (FTC), Hyderabad to be tried along with OP.No.1057 of 2011.

Accordingly, the Transfer C.M.P. is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

10-02-2016
nvl

A.RAJASHEKER REDDY,J

