

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.751 of 2015

ORDER:

This petition is filed to withdraw O.S.No.21 of 2015 from the file of Senior Civil Judge, Chodavaram, Visakhapatnam and transfer the same to I Additional Senior Civil Judge, Vijayawada, Krishna District where O.S.No.977 of 2014 filed by respondent No.2 herein against petitioner No.2 herein is pending.

2. Petitioner No.1 filed her affidavit in support of the petition and according to her affidavit, petitioner No.2 is her brother and respondent No.1 herein filed O.S.No.21 of 2015 before Senior Civil Judge, Chodavaram, Visakhapatnam, whereas respondent No.2 herein filed O.S.No.977 of 2014 against petitioner No.2 herein on the strength of promissory note and they filed written statement contending that promissory notes are rank forgery and fabricated one and that they never borrowed any amount from the respective plaintiffs. It is further stated that there are several civil transactions between the plaintiff and his family members and they set up one S.Tirumal Rao and fabricated promissory note in favour of said S.Tirumal Rao and got filed O.S.No.124 of 2014 before Senior Civil Judge, Razole and all these suits have to be tried by one Court to avoid conflicting decisions. It is stated that O.S.No.21 of 2015 pending before Senior Civil Judge, Chodavaram, Visakhapatnam has to be transferred to I Additional Senior Civil Judge, Vijayawada, where O.S.No.977 of 2014 is pending.

3. This Court permitted the petitioner to take personal notice to respondents through registered post with acknowledgment due and to file proof of service. In compliance of the said order, advocate for petitioners filed memo stating that notice sent to respondent No.1 is returned with an endorsement refused and filed returned cover along

with the memo. He further stated that notice sent to respondent No.2 is duly served. In spite of service of notice, respondent No.2 neither appeared in person nor through any counsel.

4. Heard advocate for petitioners. Perused the affidavit filed in support of the petition and other material papers.

5. Considering the reasons stated in the affidavit filed in support of the petition, O.S.No.21 of 2015 is withdrawn from the file of Senior Civil Judge, Chodavaram, Visakhapatnam District and transferred to I Additional Senior Civil Judge, Vijayawada, Krishna District for disposal in accordance with law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 11-07-2016
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