

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.113 of 2016

ORDER:

This application is filed to withdraw O.S.No.2001 of 2013 from the Court of VIII Senior Civil Judge, Ranga Reddy District at L.B.Nagar, and transfer the same to the Court of VIII Additional District Judge, Ranga Reddy District at L.B.Nagar, to be tried along with O.S.No.628 of 2013.

2. Petitioner herein is plaintiff in O.S.No.2001 of 2013 and according to his affidavit, he filed the said suit for permanent injunction restraining respondents herein from altering the nature and boundaries of suit schedule property. He stated that a comprehensive suit O.S.No.628 of 2013 is filed by respondent Nos.4 and 5 for declaration and perpetual injunction in respect of the same property, and to avoid multiplicity of proceedings and conflicting decisions, both the suits have to be tried by one Court. According to his affidavit, as comprehensive suit is pending before the VIII Additional District Judge, Ranga Reddy District at L.B.Nagar, his suit pending before the VIII Senior Civil Judge, Ranga Reddy District at L.B.Nagar, may be transferred to that Court for disposal in accordance with law.

3. This Court, after hearing the advocate for petitioner, permitted him to take personal notice on respondents through Registered Post with Acknowledgement Due and advocate for petitioner submitted that respondents 1, 2, 6 to 11 are not necessary parties to this Transfer petition. He further represented that plaintiff, i.e., petitioner herein is not pressing the suit against respondents 1, 2, 6 to 11 and is only prosecuting the suit against respondent Nos.3 to 5. He further represented that notice taken to respondent Nos.3 to 5, who are the main contesting parties, is served and they have not appeared in spite of service of notice on them.

4. Considering the reasons stated in the affidavit filed in support of the petition, O.S.No.2001 of 2013 is withdrawn from the Court of VIII Senior Civil Judge, Ranga Reddy District at L.B.Nagar, and transferred to VIII Additional District Judge, Ranga Reddy District at L.B.Nagar, subject to petitioner herein files a memo before trial Court not pressing the suit against defendants 1, 2, 6 to 11 in O.S.No.2001 of 2013, to be tried along with O.S.No.628 of 2013 in accordance with law. The VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, shall send the record in O.S.No.2001 of 2013 to VIII Additional District Judge, Ranga Reddy District at L.B.Nagar, only after petitioner herein/plaintiff files a memo not pressing the suit against respondent Nos.1, 2, 6 to 11 herein, who are defendants 1, 2, 6 to 11 in O.S.No.2001 of 2013.

5. The petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

08th August, 2016.
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