

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI
Transfer Civil Miscellaneous Petition No.390 of 2017

ORDER:

This transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the 1st respondent in AS.No.84 of 2010 on the file of the Court of the learned X Additional Chief Judge, City Civil Court, Hyderabad, requesting to transfer the said A.S on the file of the said Court to the Court of the learned II Additional Chief Judge, City Civil Court, Hyderabad, for joint hearing and disposal along with AS.No.85 of 2010.

2. I have heard the submissions of Sri Bankatlal Mandhani, learned counsel for the petitioner, and of Sri M. Damodar, learned counsel for the respondent. I have perused the material record.

3. It is to be noted that A.S.No.84 of 2010 is filed by the 1st respondent herein against the petitioner herein and the 2nd respondent herein assailing the decree and judgment in OS.No.1242 of 2004. A.S.No.85 of 2010 is also filed by the 1st respondent herein assailing the decree and judgment passed in OS.No.1244 of 2004.

4. At the hearing, learned counsel for the petitioner submitted that the parties to the *lis* and the subject matters involved and the issues in the suits that fell for determination before the trial Court are one and the same and, therefore, the appeals arising out of the decrees and judgments in the afore-said two suits shall be heard and disposed of by one Court to avoid conflicting judgments.

5. Learned counsel for the 1st respondent fairly submits that both the appeals are to be heard by one Court and that earlier a similar request was made by the 1st respondent also by filing a memo. However, he would further submit that AS.No.84 of 2010 is part-heard and therefore, he seeks for transfer

of A.S.No.85 of 2010 pending on the file of the Court of the learned II Additional Chief Judge to the Court of the learned X Additional Chief Judge.

6. Having regard to the facts and submissions, this Court is satisfied that it is a fit case to grant the relief.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. However, A.S.No.85 of 2010 on the file of the Court of the learned II Additional Chief Judge, City Civil Court, Hyderabad, is withdrawn from the file of the said Court and is transferred to the file of the Court of the learned X Additional Chief Judge, City Civil Court, Hyderabad, for joint or simultaneous hearing and disposal of the said appeal along with or simultaneously with AS.No.84 of 2010 by the transferee/ latter Court in accordance with the procedure established by law. The transferor court is directed to forthwith transmit the record in AS.No.85 of 2010 to the transferee Court. There shall be no order as to costs.

Miscellaneous petitions pending if any shall stand closed.

JUSTICE M. SEETHARAMA MURTI

28.08.2017
Vjl