

HON' BLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.C.M.P.No.595 OF 2013

ORDER

Heard the learned counsel for the petitioner. Notice sent to the respondents 2 to 6 as observed by this Court from the docket order dt.01.11.2017 is a sufficient service, hence taken as heard. Perused the grounds urged in the transfer application.

Undisputedly, there is a common judgment by joint trial in both the suits, one for the relief of partition and the other is for permanent injunction. The property against which the relief of permanent injunction is sought concerned is claimed as part of the property covered by the partition suit reliefs. It is on point of jurisdiction in filing two appeals by the petitioner one before this Court against the preliminary decree of partition and the other against the dismissal of his suit for injunction before the District Judge, Guntur. Now he is seeking to transfer A.S.No.134 of 2011 pending on the file of the II Addl.District Judge, Guntur to this Court to hear and decide along with the appeal A.S.No.751 of 2010 pending in this Court.

Having regard to the above and in the factual matrix, the Tr.CMP is allowed. The A.S.No.134 of 2011 is withdrawn on the file of the II Addl.District Judge, Guntur and transferred to this Court(High Court of Judicature at Hyderabad) to try along with A.S.No.751 of 2010. Miscellaneous petitions, if any, pending in this petition shall stand closed.

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Dr. B.SIVA SANKARA RAO J,

Date:02.11.2017

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