

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

TRANSFER CIVIL MISCELLANEOUS PETITION NO.427 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure, 1908, is filed by claimant No.2 in M.V.O.P.No.311 of 2013 requesting to withdraw the said M.V.O.P from the file of the Court of the learned XI Additional Chief Judge, City Civil Court, Hyderabad, and transfer the same to the Court of the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad.

2. Heard. Perused material record.
3. Learned counsel for the petitioner submits that O.P.No.7 of 2013 filed by the third respondent herein, in which the present petitioner is recently impleaded as third respondent, is pending on the file of the Court of the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad, and that in view of the fact that both the O.Ps arise out of the same accident and are filed by the legal heirs of the same deceased, the present O.P is to be tried along with the other O.P pending in the latter Court, as such a course meets the ends of justice and would further not only help in avoiding conflicting judgments but also in saving the time and money of the parties.

4. The second respondent though served with notice did not choose to enter appearance. Respondents 1 and 3 being the owner of the crime vehicle and claimant in the other O.P respectively are stated to be not necessary parties.

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

6. In the result, the Transfer Civil Miscellaneous Petition is allowed and M.V.O.P.No.311 of 2013 pending on the file of the Court of the learned XI Additional Chief Judge, City Civil Court, Hyderabad, is withdrawn and is transferred to the file of the Court of the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad, for trial and disposal, in accordance with the procedure established by law. The transferor Court is directed to transmit the duly indexed record to the transferee Court, expeditiously, as it is stated that the other O.P. No.7 of 2013 is at the stage of conclusion of trial. There shall be no order as to costs.

Miscellaneous petition, if any, pending in the transfer civil miscellaneous petition shall stand closed.

M. SEETHARAMA MURTI, J

Date: 05.09.2017

Note: Issue CC by 07.09.2017

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