

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Tr.C.M.P.No.625 of 2017

ORDER:

Heard both sides.

The plaintiff Mandava Charitable Trust, Gannavaram, maintained O.S.No.27 of 2009, whereas the plaintiff-M.Venkateswara Rao, the so called Chairman of the said trust in his individual capacity maintained O.S.No.72 of 2015.

O.S.No.27 of 2009 pending on the file of Junior Civil Judge, Gannavaram, whereas O.S.No.72 of 2015 pending on the file of IX Additional District Judge, Gudiwada. In the suit O.S.No.27 of 2009, it is at the fag end of the disposal from the cross examination of one of the defendants witnesses, it is posted, if not for arguments from the rival submissions in this regard. So far as O.S.No.72 of 2015 concerned, it is not even commenced the trial. While commencing suit O.S.No.27 of 2009 immediately after filing of O.S.No.72 of 2015, this transfer petition not even moved. The only contention that part of the properties covered by subject matter of O.S.No.27 of 2009 are including the subject matter of O.S.No.72 of 2015 and the plaintiff trust and plaintiff in individual capacity being the managing trustee of the entity stated filed both the suits and a will to be exhibited and prove is one and the same in both the suits.

These are not to be considered as grounds for the transfer petition much less to club at this stage by transferring O.S.No.27 of 2009 at the fagend of the disposal to O.S.No.72 of 2015 pending on the file of the Additional District Judge of trial yet to commence.

Accordingly and in the result, the Transfer Petition is dismissed. Needless to say even disposal of O.S.No.27 of 2009 any evidence therein and any finding therein to the extent what all necessary can be used as permissible under law in O.S.No.72 of 2015.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.12.2017
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