

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.3896 of 2017

ORDER:

This Civil Revision Petition arises out of an order passed by the Principal District Judge, Krishna, Machilipatnam, dismissing a petition for transfer.

2. Heard Mr. K.R. Swamy, learned counsel for the revision petitioner.

3. The 1st respondent in this revision filed a suit in O.S.No.279 of 2003 on the file of IV Additional Senior Civil Judge, Vijayawada, against the petitioner herein as well as the respondents 2 and 3 herein. The suit was for declaration of title and possession.

4. The 1st respondent also filed another suit in O.S.No.125 of 2008 on the file of VIII Additional District Judge, Vijayawada, as against the petitioner herein as well as the State of Andhra Pradesh. The relief in the suit was for declaration and recovery of possession.

5. But the suit schedule properties in both cases were not exactly the same.

6. While one suit was of the year 2003, another suit was of the year 2008.

7. The petitioner herein filed a Transfer Petition in the year 2007, after the completion of evidence in O.S.No.125 of 2008. Therefore, the District Court dismissed the transfer petition. It is against the said order that the petitioner is before us.

8. I do not think that the District Court is wrong in rejecting the transfer petition. One suit was of the year 2003 and the other suit

was of the year 2008. In the suit of the year 2008, the recording of evidence is already completed. Therefore, the transfer of one suit from one court to be tried along with another suit pending in another Court was only to prevent the case in which the recording of evidence is already completed, from getting disposed of early.

Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 07-08-2017

Ksn

