

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.227 of 2017

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of C.P.C., to withdraw A.S.No.103 of 2016 from the file of the Court of III Additional District Judge, Kakinada and transfer the same to this Court to hear along with A.S.No.916 of 2003 pending before this Court.

2. At the time of hearing, the learned counsel for both the parties submitted that A.S.No.103 of 2016 and A.S.No.916 of 2003 arose out of the decree and judgment dated 27.3.2003 in O.S.No.98 of 1994 on the file of the Court of I Additional Senior Civil Judge, Kakinada. They further submitted that if both the appeals are allowed to be disposed of by separate Courts, the same may lead to conflicting judgments.

3. Having regard to the facts and circumstances of the case and in order to avoid conflicting judgments in both the appeals, this Court is of considered view that it is a fit case to allow the transfer petition.

4. In the result, the transfer civil miscellaneous petition is allowed, withdrawing A.S.No.103 of 2016 from the file of the Court of III Additional District Judge, Kakinada and transferring the same to this Court. The learned III Additional District Judge, Kakinada is hereby directed to transmit the entire record in A.S.No.103 of 2016 to this Court, as expeditiously as possible, after receipt of a copy of this order. Miscellaneous petitions if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.9.2018

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