

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.374 OF 2013

ORDER:

Heard Sri Arvapalli Suryanarayana, learned counsel for the petitioner.

2. The present transfer petition is filed, under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw O.S.No.1031 of 2012 from the file of learned Principal District Judge, Ranga Reddy District at L.B. Nagar, and transfer the same to the file of learned Chief Judge, City Civil Court, Hyderabad, so as to try along with O.S.No.585 of 2011.

3. Learned counsel for the petitioner would submit that, though, respondent No.2 is not served, he is none other than the brother of the petitioner and both are defendant Nos.1 and 2 in O.S.No.1031 of 2012 filed by respondent No.1 for recovery of money based on a pronote, whereas, O.S.No.585 of 2011 is filed by the very same respondent No.1 seeking specific performance of agreement of sale against the petitioner alone and therefore, the present transfer petition is filed.

4. Though, O.S.No.1031 of 2012 is filed by respondent No.1 for recovery of money, when the parties are identical and are residing at Chadarghat, Saroornagar and Madinaguda, it would not be inconvenient for respondent No.1 to attend the Chief Judge's Court, City Civil Court, Hyderabad, more so, when he has not claimed notice

and has not entered appearance before this Court. Further, the suits relate to the years 2011 and 2012.

5. Hence, the request is acceded to and the present transfer petition is allowed to the extent of withdrawing O.P.No.1031 of 2012 from the file of learned Principal District Judge, Ranga Reddy District at L.B. Nagar, and transferring the same to the file of learned Chief Judge, City Civil Court, Hyderabad. The transferee Court shall issue notices to the parties on receipt of the case bundle. It is left open to the transferee Court whether to take up joint trial or not in the said suits.

Miscellaneous Petitions, if any, pending in this transfer petition shall stand closed. There shall be no order as to costs.

April 12, 2018.
MD

A. SHANKAR NARAYANA, J

