

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr. CIVIL MISCELLENEIOUS PETITION Nos.718/ 2013 and 32/ 2014

COMMON ORDER:

These two Civil Miscellaneous Petitions, under Section 24 of CPC, is filed by the petitioners to withdraw OP No.95 of 2013 pending on the file of MACT-cum-II Additional District Judge, Guntur and OP 27 of 2013 pending on the file of MACT-cum-Additional District Judge (FTC), Gurazala and transfer the same to III Additional District Judge, Guntur, where OP Nos.656 of 2012 and batch are pending, with a direction to try all the Ops together.

The ground urged before this Court that all the claims are arising out of same accident, but the claims were filed before the Principal District Judge-cum-MACT, who inturn made over to different Tribunals/Courts basing on the residence of the claimants therein and if all the claims are tried by different Courts, there is possibility of conflicting decisions which may lead to multiplicity of proceedings and prayed to withdraw the same from the Courts concerned and transfer to III Additional District Judge at Guntur.

During hearing, learned counsel for the petitioners, reiterated the contentions urged in the petitions and whereas none were appeared for the respondents though notices were served and proof of service is filed.

As per the material on record, the question of fact and law involved in all the claims, including accident, insured, insurer and the documents, are one and the same, but the claims were filed before the Principal District Judge-cum-MACT, who inturn made over the claims to different Tribunals.

Taking into consideration of convenience of the parties and to avoid conflicting decisions, which may lead to multiplicity of proceedings, I deem it appropriate to withdraw and transfer OP No.95 of 2013 and OP No.27 of 2013 to the Court of III Additional District Judge, Guntur, where OP Nos. 656 of 2012 and Batch are pending, by exercising power under Section 24 of CPC.

With the above direction, both the Transfer Civil Miscellaneous Petitions are allowed withdrawing OP No.95 of 2013 pending on the file of MACT-cum-II Additional District Judge, Guntur and OP No.27 of 2013 pending on the file of MACT-cum-Additional District Judge(FTC), Gurazala and transferred the same to the Court of III Additional District Judge, Guntur, where OP Nos. 656 of 2012 and Batch are pending, by exercising power under Section 24 of CPC.

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

M. SATYANARAYANA MURTHY,J

Dt: 24-01-2018

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