

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.155 of 2017

ORDER :

Proof of service of respondent Nos.5 to 7 filed. They did not choose to appear.

2. Heard learned counsel for the petitioner and also learned counsel for respondent Nos.1 to 4 and perused the grounds.

3. Undisputedly, both the civil suits are partition suits, one is pending on the file of the Additional Senior Civil Judge, Kurnool as O.S.No.234 of 2012 and the other on the file of the I Additional Senior Civil Judge, Nellore as O.S.No.256 of 2012 and properties are covered in both the matters.

4. Having regard to the above and to avoid conflict of expressions and to avoid multiplicity of proceedings because parties are mostly common, the transfer C.M.P. is allowed and O.S.No.234 of 2012 pending on the file of the Additional Senior Civil Judge, Kurnool, is withdrawn and transferred to the I Additional Senior Civil Judge, Nellore. The I Additional Senior Civil Judge, Nellore, shall club both the matters i.e., O.S.No.234 of 2012 and O.S.No.256 of 2012, and decide, by virtue of this order. If any chief affidavit filed and so far taken as evidence of PW.1 in any of the two suits, the evidence to be continued with reference to that from the side of the party who filed the chief affidavit as PW.1 to avoid reference complications during common trial of the witnesses and parties.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

4th January 2018.

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