

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.776 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw A.S.No.217 of 2016 from the file of the Court of VII Additional District Judge, Krishna District, at Vijayawada, and transfer the same to this Court for disposal along with A.S.No.194 of 2016.

2. Heard the learned counsel appearing for both the parties.

3. A perusal of the record reveals that the respondent filed O.S.No.516 of 2009 on the file of the Court of III Additional Senior Civil Judge, Vijayawada, against the petitioner for eviction and for arrears of rent. The petitioner herein filed counterclaim for refund of the security deposit amount. The trial Court after full fledged trial, decreed the suit and dismissed the counterclaim filed by the petitioner. Feeling aggrieved by the judgment and decree dated 27.10.2015 in O.S.No.516 of 2009, the petitioner preferred A.S.No.194 of 2016 on the file of this Court. The petitioner also preferred A.S.No.217 of 2016 on the file of the Court of VII additional District Judge, Vijayawada in view of pecuniary jurisdiction.

4. The point involved in both the suits is one and the same. Both counsel with one voice submitted that A.S.No.217 of 2016 may be withdrawn from the file of the Court of VII Additional District Judge, Vijayawada and transfer the same to this Court.

5. In view of the submission made by both the counsel, this Court is of the considered view that it is a fit case to allow the petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. A.S.No.217 of 2016 is withdrawn from the file of the Court of VII Additional District Judge, Vijayawada and transferred to this Court, to hear along with A.S.No.194 of 2016. The learned VII Additional District Judge, Vijayawada, is hereby directed to send the entire case bundle to this Court after duly indexing. As a sequel, miscellaneous petitions, pending if any shall stand closed.

Dt:28.09.2018
Rns

T.SUNIL CHOWDARY, J

