

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CMP.No.214 of 2013

ORDER.

This Transfer CMP under Section-24 CPC is filed to withdraw O.S.No.320 of 2013 pending on the file of the I Senior Civil Judge, Vijayawada, Krishna District and transfer the same to the Court of the II Additional District Judge, Ranga Reddy District, L.B.Nagar, to try it along with O.S.No.202 of 2012 on the ground that both the suits are arising out of common transaction between the petitioners and the respondents and the suit filed by petitioner No.1, i.e., O.S.No.202 of 2012 is earlier in point of time, i.e., filed on 01.3.2012 and respondent Nos.1 and 2 herein also filed written statement in the said suit on 04.9.2012. The petitioners pleaded that the other suit-O.S.No.320 of 2013 pending on the file of the I Senior Civil Judge, Vijayawada was filed on 25.02.2013, i.e., after filing of the written statement by respondent Nos.1 and 2 in O.S.No.202 of 2012 pending on the file of the II Additional District Judge, Ranga Reddy District, L.B.Nagar and the said suit was filed as a counter blast to the suit-O,S,No.202 of 2012 filed by petitioner No.1 and since both the suits are based on the same transaction i.e., on mutual current account maintained by both the parties, they are seeking to withdraw O.S.No.320 of 2013 pending on

the file of the I Senior Civil Judge, Vijayawada, Krishna District and transfer the same to the II Additional District Judge, Ranga Reddy District, L.B.Nagar to try along with O.S.No.202 of 2012 pending on its file, to avoid conflicting judgments in the event of trial of the said suits by two different Courts.

Learned counsel for the petitioners-Mr. Ratna Sagar reiterated the afore-mentioned contentions.

On the other hand, learned counsel for the respondents-Sri P.N.Murthy, contended that the suit-O.S.No.202 of 2012 on the file of II Additional District Judge, Ranga Reddy District, L.B.Nagar was disposed of on 17.3.2017 and therefore, the question of withdrawal of O.S.No.320 of 2013 from the Court of the I Senior Civil Judge, Vijayawada, Krishna District and transfer of the same does not arise and prayed to dismiss the Transfer CMP.

Learned counsel for the respondents placed before this Court a copy of the order downloaded from the Internet which shows that the suit-O.S.No.202 of 2012 was disposed of on 17.3.2017.

In view of disposal of O.S.No.202 of 2012 by the II Additional District Judge, Ranga Reddy District, L.B.Nagar, on 17.3.2017, this transfer civil miscellaneous petition became infructuous and the same is, accordingly, dismissed.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

06th March 2018

DR

