

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.42 OF 2016

ORDER:

The present transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed seeking to withdraw A.S.No.6 of 2015 from the file of learned District Judge, Guntur, and transfer the same to the file of this Court, to take up with A.S.No.5 of 2015.

2. Heard Sri E. Madan Mohan Rao, learned counsel for the petitioners. Though, service was completed, none appears for the respondent.

3. Learned counsel for the petitioners would submit that the learned Senior Civil Judge, Mangalagiri, passed a common judgment, dated 07.11.2014, in O.S.Nos.86 of 2010 and 241 of 2011, having tried them together, whereby and whereunder, the trial Court, while decreeing the suit in O.S.No.86 of 2010 filed by the respondent, dismissed the suit in O.S.No.241 of 2011 filed by the petitioners. The petitioners have preferred an appeal in A.S.No.5 of 2015 on the file of this Court aggrieved over the judgment and decree rendered in O.S.No.86 of 2010 and even an interim order was also granted. However, the petitioners also filed A.S.No.6 of 2015 before the learned District Judge, Guntur, aggrieved over the judgment and decree rendered in O.S.No.241 of 2011, in view of pecuniary limits.

4. Having regard to the submissions made by the learned counsel for petitioners that both the Original Suits were disposed of by a common judgment by the learned Senior Civil Judge, but for the relief of perpetual injunction sought for, an appeal was preferred in the District Court, Guntur, and the said appeal is also required to be disposed of with A.S.No.5 of 2015 pending on the file of this Court, the request of the petitioners can be acceded to.

5. Hence, the present transfer petition is allowed. Consequently, A.S.No.6 of 2015 pending on the file of learned District Judge, Guntur, is withdrawn and transferred to the file of this Court, to take up with A.S.No.5 of 2015. The transferee Court shall issue notices to the parties on receipt of the case bundle.

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

April 18, 2018.
MD

A. SHANKAR NARAYANA, J