

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER C.M.P. Nos.752, 756, 757, 758, 759 AND 760 OF 2015

COMMON ORDER:

The petitioners viz., SVR Media (Private) Limited and Smt. Canchi Shobha Jaiwanth alias C.J. Shobha, in all these Transfer Civil Miscellaneous Petitions making a request under Section 24 of Code of Civil Procedure, 1908, for transfer of O.S. No.371 of 2015, 371 of 2015, 372 of 2015, 369 of 2015, 373 of 2015 and 374 of 2015 pending on the file of Senior Civil Judge, Proddatur, Kadapa District, to the Court of the II Additional District Judge, Ranga Reddy District at L.B. Nagar, where O.S. No.1069 of 2015 is pending, on the main ground that defendants in all the original suits are common and they have discharged the amounts alleged due.

2. Petitioner No.2 being Managing Director of petitioner No.1 company has been engaged in film distribution and exhibit business. They are residents of Hyderabad City. The other defendants are also residents of Hyderabad and Chennai and, in fact, defendant Nos.5 to 9 are nothing to do with the business transaction with respondent No.1, but, somehow, they are unnecessarily added according to the learned counsel for the revision petitioners

3. He would submit that one K. Prathap Lingaiah is also dealing in cinema film and finance business and on account of business transactions, they became close to each other and taking

advantage of the same, the said Prathap Lingaiah took signatures of petitioner No.2 on several blank promissory notes in Hyderabad way back in 2012 year though, they are not due any amount to him as they have settled all the transactions with him. But, due to differences and disputes between them and the said Prathap Lingaiah, that have arisen in the business transactions, with a view to harass them, he filled blank promissory notes by mentioning imaginary figures and also putting the dates on all the blank promissory notes by mentioning different creditors said to be residing at Proddatur, Kadapa District, and filed the suits and even he filed the suit in O.S. No.1070 of 2015 on the file of II Additional District Judge, Ranga Reddy District at L.B. Nagar.

4. Some other contentions have been raised, which are unnecessary for determination of these transfer civil miscellaneous petitions.

5. However, during the course of arguments, learned counsel for the petitioners, Sri Polavarapu Srinivas, would submit that the scribe of all the promissory notes is one T. Mallikarjuna Rao and attestors are also common, and, therefore, it would be just and convenient to withdraw all the afore referred suits and transfer the same to the file of II Additional District Judge, Ranga Reddy District at L.B. Nagar.

6. In all these transfer civil miscellaneous petitions, the petitioners mentioned in the cause title that respondent Nos.2 to 8 are not necessary parties and only respondent No.1, who is admittedly plaintiff in the respective suits, is necessary party.

7. In Transfer C.M.P. Nos.757, 759 and 760 of 2015 notices on respondent No.1 were served, whereas in the other three transfer civil miscellaneous petitions, notices on respondent No.1 were not served, for various other reasons endorsed on the returned postal covers. But, the fact remains, that the address of respondent No.1 shown by the petitioners herein is the very same address given by respondent No.1 in each of these suits. In such an event, the presumption under Section 27 of General Clauses Act, 1897 would attract. Therefore, even though, there is no service on them, due service can be viewed, and, hence, taken up for common disposal of all these petitions as they relate to the year 2015 and the suits also relate to the year 2015.

8. When the scribe in all the promissory notes is one and the same and even attestors are also one and the same, and the business run by the petitioners herein is at Hyderabad and the three (3) suits, according to the learned counsel for the petitioners, are pending at Ranga Reddy Courts at L.B. Nagar, instituted by the said K. Prathap Lingaiah, certainly, there is every reason to accede to the request of the petitioners so that conflicting judgments and decrees may not result and it would be convenient for early disposal.

9. Therefore, the suits in O.S. No.371 of 2015, 371 of 2015, 372 of 2015, 369 of 2015, 373 of 2015 and 374 of 2015 pending on the file of Senior Civil Judge, Proddatur, Kadapa District, are withdrawn and transferred to the Court of the II Additional District Judge, Ranga Reddy District at L.B. Nagar.

10. The request to try all these suits with O.S. No.1069 of 2015 or otherwise is left open to the learned II Additional District Judge, Ranga Reddy District at L.B. Nagar.

11. With the above directions, all these Transfer Civil Miscellaneous Petitions are allowed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present transfer civil miscellaneous petitions stand closed.

A. SHANKAR NARAYANA, J

April 11, 2018.

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