

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CMP.No.296 of 2017

ORDER:

This petition, under Section 24 CPC, is filed to withdraw A.S.No.30 of 2015 on the file of I Additional District Judge, Ongole and transfer the same to this Court to be heard along with A.S.No.281 of 2015.

Two suits in O.S.Nos.328 of 2006 and 338 of 2012 were filed for partition of plaint schedule properties and both the suits were clubbed together and common judgment dated 31.12.2014 was passed dismissing the suit being O.S.No.338 of 2012 filed by the petitioner, and a preliminary decree was passed in respect of the schedule properties in suit in O.S.No.328 of 2006 filed by respondent No.1. However, two appeals were preferred, one before the I Additional District Judge, Ongole and the other before this Court. To avoid conflicting judgments, appellant requested to withdraw A.S.No.30 of 2015 on the file of I Additional District Judge, Ongole and transfer the same to this Court to be heard along with A.S.No.281 of 2015.

None appeared for the respondent though notice was served and proof of service filed.

During hearing, learned counsel for the appellant reiterated the contention that two appeals, one before the I Additional District Judge, Ongole, and the other before this

Court, were filed and both the appeals were to be heard by the same Court to avoid conflicting judgments. Therefore, I find this is a fit case to exercise power, under Section 24 CPC, to withdraw A.S.No.30 of 2015 on the file of I Additional District Judge, Ongole and transfer the same to this Court to be heard along with A.S.No.281 of 2015.

In the result, Tr.CMP is allowed withdrawing A.S.No.30 of 2015 from the Court of I Additional District Judge, Ongole to this Court to be heard along with A.S.No.281 of 2015.

Miscellaneous petitions pending, if any, shall stand dismissed.

M.SATYANARAYANA MURTHY,J

Date:29.10.2018
usd

