

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.598 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.S.No.21 of 2013 from the file of the Junior Civil Judge Court, Kothavalasa, Vizianagaram District, and transfer the same to the file of VII Additional District Court, Visakhapatnam, to be tried along with O.S.No.50 of 2018.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the petitioner filed O.S.No.21 of 2013 on the file of the Junior Civil Judge Court, Kothavalasa, against the respondents for perpetual injunction in respect of the suit schedule property. One Smt. V.Venkata Gowri Satyanarayanaamma filed O.S.No.50 of 2018 against the petitioner for partition of the suit schedule property. The suit schedule property in O.S.No.21 of 2013 is part and parcel of suit schedule property in O.S.No.50 of 2018. O.S.No.50 of 2018 is filed for partition whereas O.S.No.21 of 2013 is filed for perpetual injunction in respect of the suit schedule property. Parties in both the suits are interrelated to each other. It is needless to say that a partition suit is a comprehensive suit wherein the rights of the parties will be decided. If both the Courts are allowed to adjudicate the suits, certainly it will lead to conflicting judgments. In order to avoid conflicting judgments, this Court is of the considered view that it is a fit case to allow the transfer petition. Even if the petition is allowed, the same would not cause any prejudice to the legal rights of the respondents.

4. Taking into consideration the facts and circumstances of the case, the Transfer Civil Miscellaneous Petition is allowed. O.S.No.21 of 2013 is withdrawn from the file of the Junior Civil Judge Court, Kothavalasa, Vizianagaram District, and transferred to the file of VII Additional District Court, Visakhapatnam, for disposal in accordance with law. There shall be no order as to costs.

5. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

Date: 20.12.2018
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T.SUNIL CHOWDARY, J

