

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND EIGHTEEN

PRESENT

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TR.C.M.P.No. 739 OF 2017

Between:

- 1 Sultana Khatoon, W/o. Late Hameeduddin Khari,
aged about 76 years, Occ: Housewife, R/o. 1-8-310, Begumpet, Hyderabad.
- 2 Naseeruddin Khan, S/o. Late Hameeduddin Khan, aged about 58 years,
Occ: Business, R/o. 1-8-310, Begumpet, Hyderabad.
- 3 Omaruddinn Khan, S/o. Late Hameeduddin Khan, aged about 49 years,
Occ: Business, R/o. 1-8-313/2, Begumpet, Hyderabad.
- 4 Arifunnisa Begum, D/o. Late Hameeduddin Khan,
aged about 60 years, Occ: Housewife, R/o. U.S.A., Rep. by her G.P.A.,
Naseeruddin Khan, S/o. Late Hameeduddin Khan, aged about 58 years,
Occ: Business, R/o. 1-8-310, Begumpet, Hyderabad
- 5 Orusunnisa Begum, D/o. Late Hameeduddin Khan,
aged about 56 years, Occ: Housewife,
R/o. 6-3-246/2, Road No.1, Banjara Hills,
Hyderabad.

.....PETITIONERS

AND

- 1 Goutham Chand Jain
aged about 58 years, Occ: Business, R/o. Autofin Limited, 33,
BowenPally, Besides Mahendra Reddy Gardens, Hyderabad.
- 2 The State of Telangana
Rep. by its Tahsildar, Balanagar Mandal,
Ranga Reddy District.

.....RESPONDENTS

Petition Under Section 24 of the C.P.C praying that in the circumstances stated in the Affidavit filed therewith, the High Court may be pleased to withdraw LGOP No.584/2017 pending on the file of the Hon'ble XV Additional District Judge at Miyapur, Ranga Reddy District and transfer to the court of the Chief Judge -cum- Special Tribunal ,City Civil Court, Hyderabad.

TR.CMP.MP. No. 833 OF 2017

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to stay all further proceedings in L.G.O.P.No.584/2017 on the file of the Hon'ble XV Additional District Judge at Miyapur, Ranga Roddy District, pending disposal of the above Tr.C.M.P.

This Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI S.SRIDHAR, Advocate for the Petitioner and of M/s. Sunil B. Ganu, Advocate for the Respondent No. 1 and G.P. for Arbitration (TG) on behalf of the Respondent No. 2.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 739 OF 2017

ORDER:

The present petition is filed by the petitioners under Section 24 of CPC to withdraw L.G.O.P.No. **548** of 2017 on the file of the Court of XV Additional District Judge at Miyapur, Ranga Reddy District (for short, 'the Court at Miyapur'), and transfer the same to the Court of Chief Judge cum Special Tribunal, City Civil Courts, Hyderabad (for short, 'the Court below') .

2. The petitioners herein filed L.G.O.P.No. **548** of 2017 on the file of the Court at Miyapur and they are arrayed as respondent Nos. 44 to 48 in L.G.O.P.No. **1085** of 1991 on the file of the Court below. The subject matter of property in L.G.O.P.No. **548** of 2017 is situated in survey No. 194/11 of an extent of 9,000 square yards while the disputed property in L.G.O.P.No. **1085** of 1991 is situated in survey No. 194/1 of an extent of 8,000 square yards. Thus, the dispute in both the original petitions is identical and the petitioners in O.P.No. **548** of 2017 are arrayed as respondent Nos. 44 to 48 in O.P.No. **1085** of 1991.

3. The petitioners sought for withdrawal of O.P.No. **548** of 2017 on two grounds, namely; (1) inconvenience of the parties and (2) to avoid conflicting judgments. The respondents opposed the petition on the ground that they are not parties to O.P.No. **1085** of 1991 and that inconvenience of the parties is not a ground to seek transfer.

4. As seen from the material on record, the property involved in both the petitions is one and the same and the relief claimed in both the petitions by one against other is one and the same but they are pending on the file of two different Courts. In case both the petitions are inquired into by two different

Courts, there is every possibility of conflicting judgments and to avoid such conflicting judgments, this Court can exercise power under Section 24 of CPC to withdraw one of the petitions pending on the file of one Court and transfer the same to the other Court.

5. Therefore, to avoid conflicting judgments in both the petitions, L.G.O.P.No. 548 of 2017 on the file of the Court at Miyapur is withdrawn and the same is transferred to the Court below with a direction to dispose of both the petitions in accordance with law. It is however left open to the Court below whether or not to try both the petitions together in view of the principle laid down in *Dronavajjula Vidyamba Vs. Vallabhajosyula Lakshmi Venkayamma*¹.

6. The transfer civil miscellaneous petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed in consequence.

¹AIR 1958 AP 218

Sd/- T. KRISHNA KUMAR
ASSISTANT REGISTRAR

Note: Amended as per the Order dated 08/03/2021 and made in IA No.1 of 2018 (on being mentioned). This Order substitutes the order dated 14/11/2018 passed in Tr.CMP No.739 of 2017 which was dispatched on 30/11/2018.

Sd/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional District Judge at Miyapur, Ranga Reddy District.
2. The Chief Judge -cum- Special Tribunal, City Civil Court, Hyderabad.
3. One Cc to Sri S. Sridhar, Advocate [OPUC]
4. One Cc to M/s. Sunil B. Ganu, Advocate [OPUC]
5. Two CCs to the G.P. for Arbitration (Tg) High Court at Hyderabad[OUT]
6. Two CD copies

KML

Kj.

HIGH COURT

DATED: 14/11/2018

DATED: 12/03/2021

AMENDED ORDER

TRCMP.No.739 of 2017



ALLOWING THE TRCMP

② VLV
18/3/21