

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

TRANSFER C.M.P. NO.200 OF 2018

ORDER:

This Transfer CMP is filed seeking transfer of O.S. No. 2134 of 2014 on the file of III Junior Civil Judge, City Civil Court, Hyderabad to the court of VII Senior Civil Judge, City Civil Court, Hyderabad to be tried along with O.S. No.1662 of 2008.

The petitioner had filed O.S. No.1662 of 2008 before the VII Senior Civil Judge, City Civil Court, Hyderabad against six defendants for a direction to defendants 1 and 3 to remove unauthorised constructions raised by the 4th respondent over and above the 7th floor of the complex, known as M/s. Ashoka Lake View Apartments in Municipal No. 6-3-1192/A/2 to 5 situated at Kundanbagh, Begumpet, Hyderabad.

While the said suit was pending, the respondent herein purchased an apartment in the said complex in the 8th floor from the 6th defendant in O.S. No.1662 of 2008 and he sought a perpetual injunction in that suit to restrain the petitioner association from interfering with the peaceful possession and enjoyment of the property like lifts, water, electricity etc.

The petitioner filed Transfer O.P. No.751 of 2016 before the Chief Judge, City Civil Court, Hyderabad to club both the matters, but the said court dismissed it on 18.01.2018 on the ground that the parties and reliefs claimed are different and subject matters are also different.

The petitioner is, therefore, moved this court by way of this Transfer M.P.

In my considered opinion, the subject matter of both the suits is intrinsically connected and the respondent had purchased the property from the 6th defendant in O.S. No.1662 of 2008 and if the suit O.S. No.1662 of 2008 is allowed and the suit is decreed, the respondent herein would be prejudiced. Therefore, in the interest of justice, it is better that both suits are heard together. Also conflicting judgments can be avoided if they are decided by the same court. Therefore, the Transfer CMP is allowed and O.S. No.2134 of 2014 on the file of III Junior Civil Judge, City Civil Court, Hyderabad is transferred to the court of VII Senior Civil Judge, Hyderabad to be tried along with O.S. No.1662 of 2008 pending in that court. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 03.07.2019

Note: Issue copy by 09.07.2019
B/o
MRKR