

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

TRANSFER C.M.P.NO.671 OF 2018

ORDER:

This Transfer C.M.P. is filed under Section 24 of the Code of Civil Procedure, 1908 (CPC) seeking transfer of O.P.No.350 of 2018 on the file of the Judge, Family Court-cum-Additional District and Sessions Judge-cum-MACT at Karimnagar to the file of the MACT-cum-VII Additional District Judge at Warangal.

One G. Hariprasad, who is the son of the petitioners and the husband of the first respondent, died in an accident which occurred on 29.05.2018.

Seeking compensation from respondent Nos.3 and 4 under the Motor Vehicles Act, 1988, petitioners filed O.P.No.492 of 2018 before the MACT-cum-VII Additional District Judge at Warangal, while the first respondent filed O.P.No.350 of 2018 before the Judge, Family Court-cum-Additional District and Sessions Judge-cum-MACT at Karimnagar.

Petitioners contend that they are residents of Kanakadurga Colony, Subedari, Hanamkonda, Warangal Urban District, while the first respondent is residing at Jammikunta in Karimnagar District and to avoid conflicting judgments in both the cases, both of them should be tried by the MACT-cum-VII Additional District Judge at Warangal. They also contended that all the witnesses are from Warangal.

Counter affidavit was filed by the first respondent opposing the transfer and stating that she is residing with her parents at Jinnaram Mandal, Mancherial District. She contended that the petitioners in the Transfer C.M.P. were also made parties in the O.P. filed by her, that they all received notices at their address at Jammikunta in Karimnagar District and they also entered appearance through their counsel by giving address in the vakalat as residents of Jammikunta. It is contended that the petitioners are not living at Warangal. It is alleged that the relationship between the petitioners and the first respondent got strained and so she is staying away from the petitioners and only to harass her, they filed the Transfer C.M.P.

Heard both the sides.

I have noted the contentions.

Admittedly, petitioner No.1 is a Senior citizen and they have property in Jammikunta in Karimnagar District. They stated that they are residing at Warangal and it would be convenient if the matter is transferred to Warangal where O.P.No.492 of 2018 filed by them is pending before the MACT-cum-VII Additional District Judge, Warangal.

Assuming that there is a strained relationship between the petitioners and the first respondent, it cannot be disputed that O.Ps are required to be tried together to avoid conflicting orders.

Since the first petitioner is a Senior citizen and is residing at Warangal, which is only at a distance of about 90 km from Jammigunta, where the first respondent is residing, I deem it

appropriate to transfer O.P.No.350 of 2018 filed by the first respondent before the Judge, Family Court-cum-Additional District and Sessions Judge-cum-MACT at Karimnagar to the file of the MACT-cum-VII Additional District Judge at Warangal to be tried along with O.P.No.492 of 2018 which had been filed by the petitioners and is pending on the file of the latter Court.

Accordingly, the Transfer C.M.P. is allowed.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(M.S.RAMACHANDRA RAO, J)

24th July 2019
RRB

