

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
Transfer Civil Miscellaneous Petition No.289 of 2019

ORDER:

This transfer civil miscellaneous petition, under Section 24 read with 151 of the Code of Civil Procedure, 1908, is filed by the petitioner/defendant Nos.4 and 5 requesting to withdraw O.S.No.314 of 2019 from the file of the Special Judge for Trial of offences under Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional District Judge, Medak District at Sangareddy and transfer the same to the file of I Additional District Judge, Medak District at Sangareddy to be tried along with O.S.No.225 of 2019 pending on the file of the said Court.

2. Heard learned counsel for the petitioners/defendant Nos.4 and 5 and perused the record.

3. Learned counsel for the petitioners filed a memo before this Court vide USR No.3338/2020 dated 21.01.2020 stating that notices to respondent Nos.1, 2, 5 and 6 were served and the respondent Nos.3 and 4 refused to receive the notices. Therefore, service of notice on the respondent Nos.3 and 4 is deemed to be completed. No representation for the respondents.

4. The learned counsel for the petitioners/defendant Nos.4 and 5 would submit that respondent Nos.1 and 2/defendant Nos.1 and 2 filed a suit in O.S.No.225 of 2019 before the I Additional District Judge, Medak District at Sangareddy against the petitioners herein for cancellation of registered sale deed executed in their favour. Respondent Nos.3 and 4 filed the subject suit in O.S.No.314 of 2019 on the file of the Special

Judge for Trial of offences under Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional District Judge, Medak District at Sangareddy, for partition and separate possession, wherein the petitioners herein are also the parties. The subject property in both the suits is one and the same. Therefore, both the suits are required to be tried by one Court and ultimately prayed to allow the transfer civil miscellaneous petition as prayed for.

5. The submissions made on behalf of the petitioners herein are supported by the material placed on record. Since the subject property in both the suits is one and the same, to avoid inconsistency in the judgments to be passed therein, it would be better if both the suits are tried by one Court.

6. Under these circumstances, O.S.No.225 of 2019 pending on the file of the I Additional District Judge, Medak District at Sangareddy, is withdrawn and transferred to the file of the Special Judge for Trial of offences under Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional District Judge, Medak District at Sangareddy, for trial and disposal along with O.S.No.314 of 2019, in accordance with law.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 14.02.2020
ssp