

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANS. CIVIL MISC.PETITION NO: 332 OF 2023

Between:

1. Kara Balaram Chandra Sekhar, S/o. K.Chinnaiah Balram, Occ.Advocate,
2. Smt.K.Naga Mani, W/o. K.Balaram Chandra Sekhar, R/o. H.No.15-29-1000, HIG-10, Phase-1, Road No.1, KPHB colony, Kukatpally, Hyderabad - 500 085.

...Petitioner/Defendant No.1 & 2

AND

D.Venkata Srinivas Reddy, S/o. D.Narasa Reddy, Occ.Business, R/o. H.No.3-116, Vallampatla village, Kodur Mandal, Krishna District - 521 227, Andhra Pradesh State.

...Respondent/Plaintiff

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 transfer the said O.S.No.666/2022 from the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally to III Additional District and Session Judge-Cum- Additional Metropolitan Session Judge Principal Family Court, Medchal-Malkajgiri District at Kukatpally;

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of further proceedings in O.S.No.666/2022 from the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally pending disposal of above Transfer petition.

Counsel for the Petitioners

: Sri GANDYADAPU RAJESHAM

Counsel for the Respondent

: Sri C N MOORTY

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.332 OF 2023

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner, seeking the Court to transfer O.S.No.666 of 2022 from the file of the learned Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally, to the file of the learned III Additional District and Sessions Judge-cum-Additional Metropolitan Sessions Judge-cum-Principal Family Court, Medchal-Malkajgiri District at Kukatpally.

2. Heard Sri Gandyadapu Rajesham, learned counsel for the petitioners as well as Sri C.N. Murthy, learned counsel appearing on behalf of the respondent.

3. Brief facts of the case are that respondent filed O.S.No.666 of 2022, which is pending before the learned Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally, seeking perpetual injunction. Later, the petitioner No.1 filed O.S.No.3 of 2023, which is pending before the learned Additional District Judge, Medchal-Malkajgiri District at

Kukatpally seeking eviction, recovery of arrears of rents and mesne profits.

4. Learned counsel for the petitioner would submit that O.S.No.666 of 2022, which is pending before the learned Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally is now vacant and officer coming to the Court only once in week and in the said suit, the respondent granted *status quo* order. Basing on the same, he is not paying the rents and the suit is pending from last one year without any progress. Learned counsel further submitted that as both the parties in O.S.No.3 of 2023 and O.S.No.666 of 2022 are one and the same, the suit property is also same and therefore, prayed the Court to transfer O.S.No.666 of 2022 to the III Additional District and Sessions Judge, Medchal-Malkajgiri District at Kukatpally.

5. On the other hand, learned counsel for the respondent would submit that though the premises was taken by him, he has not occupied all the floors in the house but the petitioner has not providing electricity and water supply facilities and the same was submitted in arguments with regard to the Tr.C.M.P.

6. Having regard to the rival submissions made by both the learned counsel and having gone through the material available on record, as both the suits are filed between the same parties, the subject matter is also one and the same and both the Courts are in the same premises, therefore, this Court deems it appropriate to transfer O.S.No.666 of 2022 from the file of the learned Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally, to the file of the learned III Additional District and Sessions Judge-cum-Additional Metropolitan Sessions Judge-cum-Principal Family Court, Medchal-Malkajgiri District at Kukatpally.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.S.No.666 of 2022 stands transferred from the file of the learned Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally, to the file of the learned III Additional District and Sessions Judge-cum-Additional Metropolitan Sessions Judge-cum-Principal Family Court, Medchal-Malkajgiri District at Kukatpally. The Court concerned is hereby directed to transmit the entire case file relating to O.S.No.666 of 2022, after duly indexed, within a period of one (1) month from the

date of receipt of a copy of this Order, under intimation to the other side. There shall be no order as to costs.

Pending Miscellaneous Applications, if any, shall stand closed.

**SD/- T. VIJAY KUMAR
ASSISTANT REGISTRAR**

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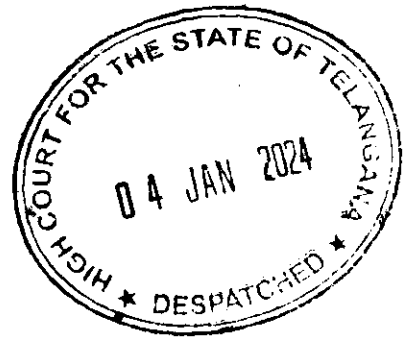
SECTION OFFICER

To,

1. The Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally.
 2. The III Additional District and Session Judge-Cum- Additional Metropolitan Session Judge Principal Family Court, Medchal-Malkajgiri District at Kukatpally
 3. One CC to Sri GANDYADAPU RAJESHAM, Advocate [OPUC]
 4. One CC to Sri C N MOORTY, Advocate [OPUC]
 5. Two CD Copies
- SP/JAK
- V. J.*

HIGH COURT

DATED:29/12/2023



ORDER

TRCMP.No.332 of 2023

ALLOWING THE TRCMP

(7) VLV
4/1/24