

**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: 295 OF 2022

Between:

Smt. Nerellapally Divya Spoorthy, @ Bojja Divya Spoorthy, D/o. Bojja Sriram Reddy, W/o. Shivarama Krishna Reddy, aged about 36 years, Occ. Housewife, R/o. D.No. 6-9-136/2, Road No. 12, Yadagirinagar, Santoshnagar, Hyderabad.

...Petitioner/Plaintiff

AND

1. Sri Bojja Sriram Reddy, S/o. Late B. Krishna Reddy, aged about 79 years, Occ- Retd. Govt. Servant, R/o. H. No. 8-7-50/B, Hastinapuram (North), Sagar Road, Saroornagar Mandal, R.R. District.
2. Smt. Pullagoora Subha Sree, W/o. P. Ramesh Reddy, aged about 56 years, Occ- Housewife, R/o. H.No. 13-3-199, Kanchit Chowrastha Vilalge, Siddipet Mandal and District.

...Respondents/Defendants

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 with-draw O.S. No. 135 of 2018, on the file of the Court of the Principal Junior Civil Judge, Kalwakurthy by transferring the same and tried along with O.S. No. 933 of 2019, on the file of the Court of the District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar, in the interest of justice.

IA NO: 1 OF 2022

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 grant interim stay of all further proceedings in O.S. No. 135 of 2018, on the file of the Court of the Principal Junior Civil Judge, Kalwakurthy, including the trail of the said suit, pending disposal of the above Transfer C.M.P.

Counsel for the Petitioner: Sri. CH. VENKAT RAMAN

Counsel for the Respondents: None Appeared

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.295 OF 2022

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.135 of 2018 from the file of the learned Principal Junior Civil Judge, Kalwakurthy, to the file of the learned District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar and to be tried along with O.S.No.933 of 2019.

2. Heard Sri Ch. Venkat Raman, learned counsel for the petitioner. Though notice served by way of paper publication and notice served on the counsel on record in the trial Court, none appeared on their behalf.

3. Learned counsel for the petitioner submitted that the petitioner filed O.S.No.135 of 2018 against her father/respondent No.1 herein seeking partition of the property, which is situated at Kalwakurthy. Later, petitioner came to know that there are properties acquired by her father in Ranga Reddy District, as such, she filed O.S.No.933 of 2019

along with her mother against her father/respondent No.1 herein. Learned counsel further submitted that as both the suits were filed for partition and the parties are one and the same, as such, prayed the Court to transfer O.S.No.135 of 2018 from the file of the learned Principal Junior Civil Judge, Kalwakurthy, to the file of the learned District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar and to be tried along with O.S.No.933 of 2019.

4. Having regard to the rival submissions made by learned counsel for the petitioner and having gone through the material available on record, as both the suits filed by the petitioner herein against her father/respondent No.1 seeking partition and separate possession of the subject property and the parties are also one and the same, this Court deems it appropriate to transfer O.S.No.135 of 2018 from the file of the learned Principal Junior Civil Judge, Kalwakurthy, to the file of the learned District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar and to be tried along with O.S.No.933 of 2019.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.S.No.135 of 2018 stands transferred from the file

of the learned Principal Junior Civil Judge, Kalwakurthy, to the file of the learned District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar. Hence, O.S.No.135 of 2018 and O.S.No.933 of 2019 are directed to be tried together. The Court concerned is hereby directed to transmit the entire case file relating to O.S.No.135 of 2018, 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/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge, Kalwakurthy
2. The District Judge, Cyberabad, Ranga Reddy District at L.B. Nagar
3. One CC to SRI. CH VENKAT RAMAN, Advocate [OPUC]
4. Two CD Copies

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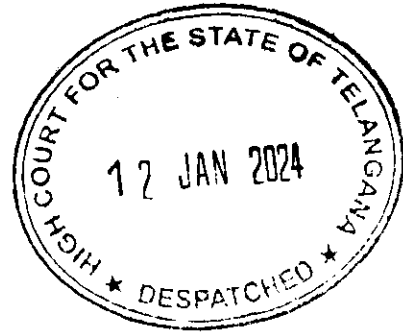


HIGH COURT

DATED:29/12/2023

ORDER

TRCMP.No.295 of 2022



**ALLOWING OF THE TRANSFER CIVIL
MISCELLANEOUS PETITION WITHOUT COSTS.**

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