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APHC010254962024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

TUESDAY, THE 4th dAY OF NOVEMBER 2026
PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CIVIL REVISION PETITION NO: 1213/2024

Between:

1. VALLURU NIRMALA KUMARI, W/O LATE NATARAJESWAA RAO, AGED ABOUT 70 YEARS, R/O FLAT NO B9, SHANTI APARTMENTS, NEAR SAL BABA TEMPLE, PATAMATA, VIJAYAWADA, N.T.R DISTRICT

...PETITIONER

AND

1. M/S MANA KALYANA VEDIKA, A PARTNERSHIP FIRM, REPRESENTED BY MANAGING PARTNER MUPPAVARAPU NIRMALA LAXMI GANESH BABU, S/O HEMANTH KUMAR, AGED ABOUT 39 YEARS, R/O DO.NO 11-140, K. SANKARA RAO STREET, M G ROAD, VIJAYAWADA. N.T.R DISTRICT.

2. MUPPAVARAPU HEMANTH KUMAR, , S/O LATE CHOWDARY AGED ABOUT 66 YEARS, R/O DO.NO 10-88, ASHOK NAGAR, KANURU, PENAMALURU MANDAL, VIJAYAWADA RURAL, N.T.R DISTRICT.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased toPetitioner begs to present this Memorandum of Civil Revision Petition aggrieved by the Order Dt.2-5-2024 in Transfer O.P.No. 86 of 2023, on the file of Principal District Judge, Krishna at Machilipatnam

IA NO: 1 OF 2024

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 may be pleased to suspend the Order Dt.2-5-2024 in Transfer O.P.No. 86 of 2023, on the file of Principal District Judge, Krishna at Machilipatnam, pending disposal of the above C.R.P. and pass such

IA NO: 2 OF 2024

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 may be pleased to extend the interim order granted in C.R.P No.1213 of 2024 dated 01-07-2024 and pass

Counsel for the Petitioner:

1. PILLIX LAW FIRM

Counsel for the Respondent(S):

1. PULIPATI RADHIKA

The Court made the following:

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

CIVIL REVISION PETITION No. 1213 OF 2024

ORDER :

The Civil Revision Petition has been filed aggrieved by the Order dated 02.05.2024 passed in Transfer O.P.No.86 of 2023 by the Principal District Judge, Krishna at Machilipatnam.

2. The averments, in brief, of the Transfer O.P. filed before the Court below are as follows.

Muppavarapu Nirmala Lakshmi Ganesh Babu, Managing Partner of respondent No.1-partnership firm, is son of respondent No.2. Respondent No.2 is the youngest brother of the petitioner. Respondent No.2 was looking after all affairs of the petitioner, and the terms between them were cordial till 2018. Being carried away by the words of her sons, the petitioner, who was a Partner in 1st respondent firm, withdrew herself from the partnership firm and her account was settled amicably. After dismissal of O.S.No.50 of 2012 filed by another brother of the respondent No.2 and the petitioner, on 2.3.2022, the petitioner got issued a registered legal notice dated 15.10.2022 to the respondents demanding to vacate the property and deliver vacant

possession of the same, for which the respondents issued a reply dated 22.10.2022.

Thereafter, the petitioner filed O.S.No.2030 of 2022 on the file of the III Additional Civil Judge (Junior Division), Vijayawada, against 1st respondent herein, seeking the reliefs of eviction from the property mentioned in the schedule of the plaint therein viz. Ac.0.93 cents (4501.2 square yards) forming part of R.S.No.257/4, Kanuru village; for arrears of rents vide amended registered lease deed dated 17.7.2018 and for damages for unauthorized use and occupation.

Respondent No.2 herein filed O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada against the petitioner herein for recovery of amount due under the MoU dated 17.8.2018 and the Annexure to the MoU dated 10.08.2020 executed between the parties to the said suit and subsequent interest.

It is the case of the respondents that trial in both the above suits has not commenced and that the issue in both the suits is similar and one and the same, and that no prejudice is caused to the petitioner herein if the transfer is effected, and that both the suits have to be tried together for effective adjudication. Hence, the transfer petition.

3. The petitioner herein resisted the Transfer OP stating that O.S.No.2030 of 2022 was filed by her for eviction of respondent No.1 on the basis of registered Amended lease deed dated 17.7.2018 and for recovery of arrears, whereas O.S.No.110 of 2023 is filed for recovery of money by respondent No.2 herein against the petitioner for recovery of money on the basis of the alleged unstamped, unregistered, forged and created MoU dated 17.8.2018 and the Annexure dated 10.08.2020, said to have been entered into, between respondent No.2 and the petitioner, and as such, the reliefs in both the suits are not one and the same and not identical. The MoU dated 10.08.2020 relied on, in O.S.No.2030 of 2022 by the respondent No.2 herein is forged, and that there is no iota of identity between both the suits, and the suits have to be tried separately.

4. The trial Court, vide the impugned Order, allowed the Transfer O.P., withdrawing the said suit O.S.No.2030 of 2022 from the file of the III Additional Civil Judge (Junior Division), Vijayawada and transferring the same to the file of the VII Additional District Judge, Vijayawada for trial along with O.S.No.110 of 2023. Challenging the same, the present CRP has been filed.

5. Heard Sri Dammalapati Srinivas, learned senior counsel appearing for the learned counsel for the petitioner and Smt. Pulipati Radhika, learned counsel for the respondents. Perused the record.

6. Learned senior counsel Sri Dammalapati Srinivas appearing for the learned counsel for the petitioner submits that the nature of both the suits are different and distinct, and the relief sought is also different in both the suits, and that the cause of action in both the suits is different, and there is no iota of identity between the suits, and so, both the suits have to be tried separately and there cannot be common trial. He submits that there is no possibility of conflict of decisions since the prayers are different and distinct in both the suits. He submits that the Court below committed grave irregularity in allowing the Transfer OP and the same would cause prejudice to the case of the petitioner. Hence, he prays to allow the CRP and set aside the impugned Order.

7. On the other hand, learned counsel for the respondents contended that both the suits are interlinked and if both the suits are tried by different courts, there is every possibility of conflict of decisions, and considering these aspects, the Court below rightly

allowed the Transfer OP and there are no grounds to interfere with the same.

8. Now, the point for consideration is whether the impugned Order passed by the Court below warrants any interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India ?

9. Section 24 CPC empowers the High Court and the District Court to transfer a case from one subordinate court to another competent court at any stage of the proceedings. It is a procedural mechanism under civil law. One of the parameters for effecting transfer of a case is to avoid conflicting judgments or multiplicity of proceedings.

10. In the case on hand, respondent No.1 herein is a partnership firm. One Muppavarapu Nirmala Lakshmi Ganesh Babu is the Managing Partner of respondent No.1-partnership firm and he is son of respondent No.2. Respondent No.2 is youngest brother of the petitioner.

11. The petitioner filed O.S.No.2030 of 2022 on the file of the III Additional Civil Judge (Junior Division), Vijayawada, against 1st respondent herein, seeking the reliefs of eviction from the

property mentioned in the schedule of the plaint therein viz. Ac.0.93 cents (4501.2 square yards) forming part of R.S.No.257/4, Kanuru village; for arrears of rents vide amended registered lease deed dated 17.7.2018 and for damages for unauthorized use and occupation. It is her specific case that she is the absolute owner of the aforesaid property, and that a registered lease deed bearing document No.321 of 2010, dated 22.01.2010 was entered into, between her and 1st respondent, and the lease was originally valid for 30 years at a lease rental of Rs.65,000/- per annum. It is her further case that thereafter, an amended registered lease deed bearing document No.7484 of 2018, dated 17.7.2018 was entered into between her and 1st respondent, according to which, the lease period was for a period of eight years 5 months, commencing from 1.8.2018 to 31.12.2026, without any further renewal and the lessee has to vacate and deliver open land by 31.12.2026, and in the event of failure to do so, the lessee has to pay Rs.5.00 lakhs per month and the super structures shall be taken over by the lessor; that the rental was also revised from Rs.65,000/- per annum to Rs.50,000/- per month. It is her further case that 1st respondent was not regular in payment of rents and defaulted,

and violated the terms and conditions of the amended lease deed dated 17.7.2018. Hence, the suit.

12. 2nd respondent herein, who is the youngest brother of petitioner herein, filed O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada against the petitioner herein seeking recovery of Rs.97,47,847/-, stating that during life time of the husband of the petitioner herein, 2nd respondent sold agricultural land located in a prime area and lent the same to the educational expenses of children of the petitioner herein, and some time thereafter, husband of the petitioner passed away, and that after July, 2018, the relationship between the parties strained, and at the instance of elders, a Notarized Memorandum of Understanding dated 17.8.2018 was entered into, among the 2nd respondent herein, his wife and the petitioner herein, and as per the terms thereof, the petitioner herein had undertaken to the liability to clear Rs.90.00 lakhs to 2nd respondent, and pursuant to the same, all the issues were settled between them once for all. It is the further case of 2nd respondent that as per the Annexure dated 10.08.2020 annexed to the MoU dated 17.8.2018, the rents payable by the son of 2nd respondent herein, who is lessee of the petitioner herein, should be adjusted right from September, 2021,

to the interest amount payable by the petitioner for the amount agreed to be paid under the MoU.

13. Defence of the petitioner herein, in O.S.No.110 of 2023 filed by 2nd respondent, is that the MoU dated 17.8.2018 and the Annexure dated 10.8.2020, under which 2nd respondent is claiming amount from her in O.S.No.110 of 2023, is forged, fabricated and concocted for the purpose of instituting the suit. Defence of 2nd respondent herein, in O.S.No.2030 of 2022 filed by the petitioner herein, is that the petitioner cannot acquire title to Mana Kalyana Vedika and that as she, being senior citizen, was alone and her children were staying away from Vijayawada, father of Managing Partner of 1st respondent i.e. 2nd respondent, out of love and affection towards her, permitted her to take the lease premium to enable her to lead a comfortable and independent life.

14. A perusal of the pleadings of both the parties in the respective suits filed by them goes to show that 1st respondent herein specifically pleaded in O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada that as per the Annexure dated 10.08.2020 annexed to the MoU dated 17.8.2018, the interest on the amount payable by the petitioner

under the MoU dated 17.8.2018, has to be adjusted towards the premium (rent) payable by him in respect of the plaint schedule property mentioned in the other suit O.S.No.2030 of 2022 filed by the petitioner herein. Among other things, the same is also its defence in O.S.No.2030 of 2022 on the file of the III Additional Civil Judge (Junior Division), Vijayawada filed by the petitioner for eviction and recovery of rents, etc.. According to the defence in O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada, taken by the petitioner herein, the MoU dated 17.8.2018 and the Annexure dated 10.08.2020 annexed to it, are forged documents. A part of cause of action for O.S.No.2030 of 2022 on the file of the III Additional Civil Judge (Junior Division), Vijayawada with regard to recovery of rents is linked to the stand taken by 2nd respondent herein, in the other suit O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada. Therefore, the issues that would arise for adjudication in O.S.No.2030 of 2022 on the file of the III Additional Civil Judge (Junior Division), Vijayawada are connected to the issues that would arise in O.S.No.110 of 2023 on the file of the VII Additional District Judge, Vijayawada.

15. One of the cardinal principles for exercise of power under Section 24 CPC is that ends of justice should demand transfer of the suit, appeal or other proceedings. When two or more proceedings are pending in different Courts between the same parties, which raise common question of fact and law and when the decisions in the cases are interdependent, it is desirable that they should be tried and disposed of, by the same Judge so as to avoid conflict of decisions and multiplicity of proceedings. In the case on hand, if both the suits are to be tried by different courts, there is likelihood of arriving at conflict of decisions, which would lead to multiplicity of proceedings. Further, no prejudice would be caused to the petitioner, if the transfer of the suit, as prayed for, is effected. In view of the same, it is desirable that both the suits shall be tried and disposed of, by the same Court. However, both the suits shall be tried and disposed of, simultaneously.

16. With the above observation, the Civil Revision Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, in the CRP shall stand closed.

JUSTICE K. SREENIVASA REDDY

04.11.2026
DRK

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

CIVIL REVISION PETITION No. 1213 OF 2024

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