

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE :: GUNTUR.

Present: **Y.V.S.B.G.Pardha Saradhi,**
Principal District Judge, Guntur.

Wednesday, this the 4th day of January, 2023.

T.O.P. No.1101/2022.

Between:

Bheemavarapu Srinivasa Reddy, S/o.Pothi Reddy, Hindu, aged about 55, Cultivation, R/o.Door No.16/21, Near Karur Vysya Bank, Kankipadu, Vijayawada, Krishna (Dist.), Tenali JCJC.

... Petitioner/
(Defendant in O.S.No.474/2020
and also in O.S.No.289/2021).

And

Avuthu Jaya Rami Reddy, S/o.Narayana Reddy, Hindu, aged about 54 years, Cultivation, R/o.Vallabhapuram, Kollipara (M), Guntur (District.), Tenali J.C.J.C.,

.. Respondent/
(Plaintiff in O.S.No.474/2020
and also in O.S.No.289/2021).

TRANSFER TO BE MADE IN THE MATTER OF

IN THE COURT OF THE I ADDITIONAL JUNIOR CIVIL JUDGE : TENALI.
O.S.No.474/2020

Between:

Avuthu Jaya Rami Reddy.

..Plaintiff.

Vs.

Bheemavarapu Srinivasa Reddy.

.. Defendant.

AND

TRANSFER TO BE MADE IN TO THE MATTER OF

O.S.No.289/2021

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE : TENALI.

Between:

Avuthu Jaya Rami Reddy.

..Plaintiff.

And

Bheemavarapu Srinivasa Reddy.

.. Defendant.

This petition coming on 03.01.2023 for hearing before me in the presence of Sri Dulla Srinivasarao, Advocate for petitioner, and notice was given to counsel for respondent who is representing before trial court, who endorsed no objection, and upon perusing the material on record, and having stood over till this day for consideration, this court made the following:

ORDER

1. This is a petition filed by defendant in O.S.474/2020 and also in the suit O.S.289/2021 to withdraw the suit O.S.474/2020 from the file of I Additional Junior Civil

Judge's Court, Tenali, to Principal Junior Civil Judge's Court, Tenali, to try along with O.S.289/2021.

2. Contentions of the petitioner are that respondent is the plaintiff in the suit O.S.474/2020 pending on the file of I Additional Junior Civil Judge's Court, Tenali, and the said suit is filed for recovery of money basing on promissory note said to have executed by defendant i.e., the present petitioner, and the present respondent, who is the plaintiff in O.S.289/2021, filed the same for recovery of money basing on promissory note on the file of Principal Junior Civil Judge's Court, Tenali, in both the suits, parties are same and the witnesses are also same, and in both the suits the defence of the present petitioner is one and same, and therefore, it is necessary to decide both the suits by one court, and therefore, filed the present petition.

3. In this case, notice was ordered to respondent through counsel who is representing the respondent before the trial court. Respondent engaged counsel and reported no objection by way of filing memo.

4. Heard both sides. Perused the material on record.

5. Now the point pending consideration before this court is:

Whether the petitioner is entitled for the relief of withdrawal of the suit O.S.474/2020 from the file of I Additional Junior Civil Judge's Court, Tenali, to Principal Junior Civil Judge's Court, Tenali, to try along with the suit O.S.289/2021?

6. POINT:

Along with the petition, petitioner filed the copies of the respective complaints in both the suits O.S.474/2020 and O.S.289/2021. In both the suits, the parties are same. In both the suits, the defence of the present petitioner is same. The witnesses are also common. Further, respondent reported no objection by way of filing memo. Therefore, in the interest of justice, and to avoid unnecessary wastage of time, allowing the petition.

7. In the result, petition is allowed. The suit O.S.474/2020 is hereby withdrawn from I Additional Junior Civil Judge's Court, Tenali and transferred to Principal Junior Civil Judge's Court, Tenali, to try along with O.S.289/2021. To club both the suits or not is the discretion of the learned Principal Junior Civil Judge, Tenali.

Directly typed to my dictation, corrected and pronounced by me in the open court, this the 4th day of January, 2023.

(Sd/-) Y.V.S.B.G.Pardha Saradhi,
PRINCIPAL DISTRICT JUDGE, GUNTUR.

Copy to:

The Principal Junior Civil Judge, Tenali.

The I Additional Junior Civil Judge, Tenali.