

Order on Memo

The learned advocate for respondents has filed a memo stating that Misc.No.33/2008, Misc.47/2008 and Misc.839/2005 are connected cases and the Hon'ble Prl.City Civil & Sessions Judge, Bengaluru has passed an order on 20.01.2020 in Misc.No.592/2019 (Transfer petition) to transfer all the 3 cases to one Court. Hence, the Misc.No.839/2005 pending before CCH-38 may also be called to this Court and be tried along with Misc.No.33/2008 and Misc.47/2008.

I have heard the Learned advocates for petitioner and respondents. I have gone through the materials available on record.

The Hon'ble Prl.City Civil & Sessions Judge, Bengaluru was pleased to pass an order dated 20.01.2020 in Misc.No.592/2019 as under:

“The petition filed under section 24 of CPC is allowed. Misc.839/2005 pending on the file of CCH-42 is ordered to be withdrawn and transferred to CCH-38 wherein

Misc.47/2008 and Misc.33/2008 are pending”.

After the establishment of Commercial Courts, Misc.No.33/2008 and Misc.No.47/2008 have been transferred to CCH-84 and thereafter to CCH-90. However, Misc.839/2005 has not been transferred to this Court and the same is pending before CCH-38. In view of the order dated 20.01.2020 passed in Misc.592/2019, it is necessary to try all the 3 misc.petitions in the same Court. Accordingly, I pass the following

ORDER

The office is hereby directed to issue a requisition to the Hon'ble Prl.City Civil & Sessions Judge, Bengaluru to transmit the records in Misc.839/2005 pending before CCH-38 (Hg.Dt.24.05.2021) to this Court i.e., CCH-90 to be tried along with Misc.33/2008 and Misc.47/2008 and a copy of requisition be sent to the Hon'ble XXXVII Addl.City Civil & Sessions Judge, Bengaluru, (CCH-38).

(S.J.KRISHNA)
LXXXIX ADDL.CITY CIVIL &
SESSIONS JUDGE, BENGALURU.
(CCH-90)

