

**THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**  
**TRANSFER CIVIL MISCELLANEOUS PETITION No.07 of 2026**

**ORDER:**

Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that he had filed proof of service Memo before the Registry on 28.01.2026 *vide* U.S.R.No.9488 of 2026, along with the Postal Track Consignment Sheet downloaded from the Postal Department Website and the same has been placed on record. As per the Postal Track Consignment Sheet, the registered notice sent to the respondents and duly served on 23.01.2026. Despite service of notice, there is no representation on behalf of respondents. Therefore, 'service held sufficient'.

2. The petitioner herein has filed the present petition under Section 24 of the Code of Civil Procedure, 1908, (for short 'the C.P.C.') seeking for withdrawal of O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, and transfer the same to the file of the III Additional District & Sessions Judge, Kakinda, East Godavari District, for trial and disposal of the same.

3. It is submitted by the learned counsel for the petitioner that the trial in O.S.No.91 of 2014 is not yet commenced and chief affidavit of the plaintiff is filed and the cross-examination has to be commenced before the trial Court. He further submitted that O.S.No.91 of 2014, is filed by the respondents

against the petitioner herein, seeking for recovery of possession of 'A' schedule property and also awarding damages.

4. Learned counsel for the petitioner further submitted that the petitioner herein filed O.S.No.26 of 2023, which is now pending before the III Additional District & Sessions Judge, Kakinada, seeking for relief of permanent injunction to restrain the defendants and their men from ever interfering with the possession and enjoyment of the plaint 'A' schedule property. It is submitted that the subject matter of property in both the suits are one and the same.

5. Heard learned counsel for the petitioner.

6. Though notices were served on the respondents, no resistance is made by the respondents for transfer of the said O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, East Godavari District to the file of the III Additional District & Sessions Judge, Kakinda, East Godavari District. Both the suits *i.e.* O.S.No.91 of 2014 & O.S.No.26 of 2023 are pending at Kakinada, but those are pending in different Courts at Kakinada. The subject matter of property involved in both the suits are one and the same.

7. For the aforesaid reasons, the present Transfer Civil Miscellaneous Petition is **allowed** and the O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, is hereby withdrawn and transferred to

the file of the III Additional District & Sessions Judge, Kakinda, East Godavari District. The learned VI Additional District & Sessions Judge, Kakinada, shall transmit the entire case record in O.S.No.91 of 2014, to the file of the III Additional District & Sessions Judge, Kakinda, East Godavari District, duly indexed as expeditiously as possible, preferably within a period of one (01) week from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim Order granted earlier, if any, shall stand closed.

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**JUSTICE V. GOPALA KRISHNA RAO**

Date: 29.01.2026  
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