



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3397]

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

TRANS. CIVIL MISC.PETITION NO: 7/2026

Between:

Vipparfhi Sundara Rao,

...PETITIONER

AND

Sharon Rose Komanapalli and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.VEMA RAMANJANEYULU

Counsel for the Respondent(S):

1.

The Court made the following:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.07 of 2026

ORDER:

The petitioner/defendant filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw the suit in O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, and transfer the same to the III Additional District & Sessions Judge, Kakinada, to be tried along with O.S.No.26 of 2023, pending before the III Additional District & Sessions Judge, Kakinada.

2. The case of the petitioner/defendant, in brief, is as follows:

- I. The petitioner herein filed a suit in O.S.No.26 of 2023 on the file of the III Additional District & Sessions Judge, Kakinada, in the year 2023 against the respondent No.1, seeking permanent injunction restraining the defendants, their men, agents, and followers from ever interfering with the plaintiff's peaceful possession and enjoyment over the plaint 'A' schedule property. The petitioner pleaded that the respondent No.1 herein also filed a suit in O.S.No.91 of 2014 on the file of the VI Additional District Judge, Kakinada, against the petitioner herein, seeking delivery of possession of plaint 'A' schedule property along with constructions and building therein to the plaintiff Nos.1 to 3 after evicting the defendant therein and also for a consequential permanent injunction

restraining the defendant and his men from ever interfering with the plaintiff's peaceful possession and enjoyment of the plaint schedule property. The petitioner further pleaded that the schedule property in both the aforesaid suits is one and the same, the subject matter of the property in all the suits is also one and the same, and the respondent Nos.1 to 4 herein in all the said suits are also common, and the said suits are pending before different Courts at Kakinada, and that the petitioner is constrained to file the present transfer petition seeking to withdraw the suit in O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, and transfer the same to the III Additional District & Sessions Judge, Kakinada, to be tried along with O.S.No.26 of 2023, pending before the III Additional District & Sessions Judge, Kakinada.

3. The respondents have filed a counter affidavit, and the brief averments in the counter affidavit filed by the respondents are as follows:

- a. The respondents pleaded that the petitioner is misappropriating the funds of the Manna Gospel Ministries, and when questioned, the petitioner filed the suit in O.S.No.549 of 2012 on the file of the I Additional Junior Civil Judge Court at Kakinada against the respondents herein, restraining them from interfering into the schedule properties, and that the property was offered to the petitioner for a church to be constructed by him, and that the respondents requested to develop the institution, and that a promise was made to allow the petitioner to

occupy the plaint schedule property free of rent for 20 years in view of the investment and the development made over the property. The respondents pleaded that the petitioner entered into the property as an employee to discharge the duties as a Pastor in the Church with a mala fide intention to grab the same, and accordingly, the petitioner raised false and frivolous allegations.

- b. The respondents further pleaded that in view of the illegal and highhanded act of the petitioner, the respondents herein, in order to protect their property, have filed a suit in O.S.No.91 of 2014 on the file of the VI Additional District Judge at Kakinada, seeking permanent injunction and delivery of possession of the plaint schedule property and for recovery of Rs.5,25,000/- towards damages for the use and occupation of the property from June 2012 till date and for further profits. The respondents further pleaded that the petitioner herein has filed I.A.No.94 of 2022 in O.S.No.91 of 2014 under Order VI Rule 17 and under Section 151 of the Code of Civil Procedure, 1908, seeking to amend the written statement with certain new facts, stating that he has no knowledge of his case and due to certain unavoidable circumstances, the petitioner has changed his advocate and engaged a new advocate. The respondents further pleaded that the petitioner filed C.R.P.No.2272 of 2022, alleging that the Court was empowered under Order VI Rule 17 of the Code of Civil Procedure, 1908, to allow the alterations and amendments of pleadings at any stage of the

proceedings. The respondents further pleaded that the petitioner has suppressed the material facts and filed the present transfer petition and requested this Court to dismiss the transfer petition.

4. Heard Sri Sai Gangadhar Chamorthy, learned counsel representing Sri Vema Ramanjaneyulu, learned counsel for the petitioner, and Sri G.R.Sudhakar, learned counsel for the respondents. Perused the material available on record.

5. The petitioner herein is seeking transfer of O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, and transfer the same to the III Additional District & Sessions Judge, Kakinada, to be tried along with O.S.No.26 of 2023, pending before the III Additional District & Sessions Judge, Kakinada. The respondents contended that there are no merits in the transfer civil miscellaneous petition filed by the petitioner. As could be seen from the copy of the judgment passed in O.S.No.549 of 2012 on the file of the VI Additional District Judge, Kakinada, enclosed to the counter affidavit, it is evident that the petitioner herein initially filed O.S.No.549 of 2012 on the file of the VI Additional District Judge, Kakinada, seeking the relief of permanent injunction. Thereafter, the respondent herein filed a suit in O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada, seeking the relief of recovery of possession and permanent injunction before the VI Additional District & Sessions Judge, Kakinada. The copy of the judgment in O.S.No.549 of 2012 goes to show that the suit in O.S.No.549 of 2012 was decreed by granting “permanent injunction in favour

of the petitioner herein restraining the respondents from interfering with the possession of the plaintiff over the plaint schedule property subject to the result of comprehensive suit in O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada". Now the petitioner herein is seeking transfer of the said suit in O.S.No.91 of 2014 on the file of the VI Additional District & Sessions Judge, Kakinada to the III Additional District & Sessions Judge, Kakinada. The petitioner herein suppressed the fact of filing of earlier suit in O.S.No.549 of 2012 and also the filing of memo by the petitioner and also the finding given by the learned VI Additional District & Sessions Judge, Kakinada in O.S.No.549 of 2012 and approached this Court by filing the present transfer petition.

6. The petitioner suppressed the real facts and approached this Court with unclean hands for seeking transfer of a case from one Court to another and that he is not at all entitled to the relief in the present transfer civil miscellaneous petition. After disposal of the suit in O.S.No.549 of 2012, the petitioner herein again filed another suit in O.S.No.26 of 2023 before the III Additional District & Sessions Judge, Kakinada, for the selfsame relief of permanent injunction as sought in the earlier suit in O.S.No.549 of 2012. The relief sought in O.S.No.26 of 2023 and the relief sought in O.S.No.549 of 2012 by the petitioner is one and the same. The cause of action arose in both the suits viz., O.S.No.91 of 2014 and O.S.No.26 of 2023 are different. The plaintiff No.3 in O.S.No.91 of 2014 is not a party in O.S.No.26 of 2023, and the defendant No.1 in O.S.No.26 of 2023 is not a party in O.S.No.91 of 2014.

Moreover, the petitioner herein suppressed the fact about the filing of the earlier suit in O.S.No.549 of 2012 for seeking relief of permanent injunction and also suppressed about filing a memo in O.S.No.549 of 2012 and obtained the consent decree of permanent injunction on filing a memo before the said Court. The said decree of permanent injunction is subject to the result of comprehensive suit in O.S.No.91 of 2014. Later, the petitioner herein filed another suit in O.S.No.26 of 2023 before the III Additional District Judge, Kakinada, for the selfsame relief of permanent injunction and seeking relief of transfer of O.S.No.91 of 2014 after a lapse of twelve (12) years to the Court of the III Additional District Judge, Kakinada. For the aforesaid reasons, this Court is of the considered view that there are no merits in the transfer civil miscellaneous petition filed by the petitioner.

7. Resultantly, the present Transfer Civil Miscellaneous Petition is dismissed. There shall be no order as to costs.

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

JUSTICE V.GOPALA KRISHNA RAO

Date: 29.04.2026

SRT