

**IN THE COURT OF THE DISTRICT JUDGE, KHURDA
AT BHUBANESWAR.**

Tr. P (C) No.147 of 2014.

1. Smt. Usharani Pattanaik, W/o. Radharanjan Pattanaik, Village/P.O. – Arisal, P.S. – Jankia, Dist. – Khurda. Presently residing at Plot No.1293/3, P.O./P.S. – Nayapalli, Bhubaneswar, Dist. – Khurda.
2. Smt. Santilata Bhol, aged about 53 years, W/o. Giridhari Bhol, Village/P.O. – Damanbhui, P.S. – Jankia, Dist. – Khurda. Presently residing at C/o. Ganesh Routray, Plot No.910/2430, P.O. – Baramunda, P.S. – Khandagiri.
3. Smt. Bharati Sahoo, aged about 43 years, W/o. Sri Pratap Kumar Sahoo, Village – Nimipatna, P.O. – Masudpur, P.S. – Korei, Dist. – Jajpur. Presently residing at C.D.A. Sector-9, Plot No.515, E/16, Collectorate Colony, Bidanasi, Cuttack- 14, Dist. – Cuttack.

... **Petitioners.**

-V e r s u s-

1. Smt. Uttara Rath, aged about 70 years, W/o. Debendra Kumar Rath, Bhubaneswar-2, Plot No.280, Nageswar Tangi, P.O. – B.J.B. Nagar, Dist. – Khurda.
2. Odisha State Co-operative Housing Corporation Pvt. Ltd., Represented through its Managing Director, At - Janpath, Bhubaneswar, Near Ram Mandir, Unit-3, Kharvel Nagar, Bhubaneswar, Dist. – Khurda.
3. M/s. Aryan Infrastructure Pvt. Ltd., Represented through its Managing Director Sri Dillip Prasad Shaw, At - Acharya Vihar, IDCO Market Complex, Building top Floor (near main water tank), Bhubaneswar, Dist. – Khurda.
4. Siba Kumari Dhariwala, aged about 68 years, W/o. Late

Fate Chanda Dhariwala, At/P.O./P.S. – Brajaraj Nagar,
Dist. – Sambalpur.

5. Sri Ashis Kumar Mishra, aged about 58 years, S/o. Late Trilochan Mishra, At-Talamalisahi, Puri Sahar, Dist. Puri.
6. Sri Ashok Kumar Mishra, aged about 49 years, S/o. Late Trilochan Mishra, Ex-G.P.A. Holder of Ashis Kumar Mishra, At - Talamalisahi, Puri Sahar, Dist. – Puri.
7. Surya Kumar Mishra, aged about 63 years, S/o. Late Harischandra Mishra, At/P.O./P.S. – Baripada.
8. Smt. Bishnupriya Mishra, aged about 56 years, W/o. Surya Kumar Mishra, At/P.O./P.S./Dist. – Baripada.
Both are represented through their G.P.A. Holder Sri Gangadhar Panigrahi, aged about 82 years, Advocate, Bhubaneswar Civil Court Bar, S/o. Late Gopinath Panigrahi, At - Kedar Gouri Chaka, Bhubaneswar-2, P.S. – Lingaraj, Dist. – Khurda, G.P.A. Holder of Pro-defendant Nos.7 & 8.
9. Smt. Niharika Mohapatra, aged about 60 years, At - Paika Bankatara, P.O. – Kuruma Bankatara, P.S./Dist. – Nayagarh.

... **Opp. Parties.**

Counsel :

For Petitioners	--	Shri H.N. Routray & Associates.
For O.P. Nos.7 & 8	--	Ms. Minati Pattaik.
For other O.P. No.9	--	Shri R. Kar.
For rest of the O.Ps.	--	None (Set ex parte).

Date of argument & date of order : 15.12.2014.

Later / Dated 15.12.2014.

O R D E R

This is an application under section 24 of the

Code of Civil Procedure for transfer of C.S. No.391 of 2013 pending in the Court of Sr. Civil Judge, Bhubaneswar and C.S. No.08 of 2008 subjudice in the Court of 2nd Addl. Sr. Civil Judge, Bhubaneswar so that both the suits will be tried by the same Judge of either of the Court inasmuch as parties and subject-matter in dispute therein are the same. Present petitioners are the plaintiffs, opposite party Nos.1 to 6 are the defendants & opposite party Nos.7 & 8 are the pro-defendants in C.S. No.391 of 2013, whereas opposite party No.9 herein is the plaintiff and opposite party Nos.1 to 8 are the defendants in C.S. No.08 of 2008.

2. Learned counsel appearing for the petitioners submitted that for the benefit of the parties, both the matters should be heard by the same Judge. Learned counsel appearing for the contesting opposite parties has no serious objection to the petition.

3. I have heard both parties and perused the petition. On going through the materials on record, it appears that the parties and the subject-matter in dispute are the same in both the suits, as pointed out by learned counsel for the petitioners and learned counsel for the contesting opposite parties. It is well settled law that the petition for transfer should be considered for a fair trial and for the convenience of the

parties. When both suits involve the same parties and the questions to be decided are substantially the same, it is expedient for the ends of justice that both the suits should be tried by the same Judge. Considering the convenience of the parties and since the Court of Sr. Civil Judge, Bhubaneswar is over-burdened with backlog of suits and cases, it is desirable that C.S. No.391 of 2013 should be transferred to the Court of 2nd Addl. Sr. Civil Judge, Bhubaneswar for disposal according to law. Hence ordered :

O R D E R

The petition filed under section 24 of the Code of Civil Procedure stands allowed against the opposite parties without cost. C.S. No.391 of 2013 is withdrawn from the Court of Sr. Civil Judge, Bhubaneswar and transferred to the Court of 2nd Addl. Sr. Civil Judge, Bhubaneswar with a direction that both C.S. No.391 of 2013 & C.S. No.08 of 2008 shall be heard and disposed of in accordance with law.

**District Judge, Khurda
at Bhubaneswar.
15.12.2014.**

Dictated & Corrected.

District Judge, Khurda

at Bhubaneswar.
15.12.2014.