

(2026) 08 AP CK 2046

In the Andhra Pradesh High Court, Amaravati

Case No : Trans. Civil Misc.Petition No: 2/2025

Al Tousiff Minerals & Anr.

APPELLANT

Vs

Shiva Granites

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Citation : (2026) 08 AP CK 2046

Hon'ble Judges : A. Hari Haranadha Sarma, J

Bench : Single Bench

Advocate : Ch B R P Sekhar, N Ashwani Kumar

Judgement

This petition is filed by the defendants in O.S. No.50 of 2024 on the file of I Additional District Judge's Court, Chittoor to transfer their case to the file of VIII Additional District Judge's Court, Chittoor for trial and disposal along with O.S. No.61 of 2024.

2. On the ground, the subject matter, the parties, and the rival contentions involved in both the suits are substantially similar, the transfer of the suit from the file of the I Additional District Judge's Court to the file of the VIII Additional District Judge's Court, Chittoor, is sought. In this case, counter is not filed by the respondents. However, learned counsel for the respondent (*who is plaintiff in O.S. No. 50 of 2024*) would submit that the suit instituted earlier in point of time, is sought to be transferred to the Court, where the suit is instituted subsequently. The description of the parties is also not similar.

3. This Transfer Petition is filed in the year 2025. The description of the parties in O.S. No. 50 of 2024 on the file of I Additional District Judge's Court, Chittoor and O.S. No. 61 of 2024 on the file of VIII Additional District Judge's Court, Chittoor is as follows:

Parties in O.S. No. 50 of 2024 Parties in O.S. No. 61 of 2024Between: -
Between : -M/s. Shiva Granites, Rep. by

M/s. A1 Tousiff Minerals,

its proprietor P. Babu Prasad Reddy. **..Plaintiff** Rep. by its Proprietor Sri Shaik
And: Tousiff Hussain. 1. M/s. A1 Tousiff Minerals, 2. M/s. Sri Sakthi Granite

Mining, Rep. by its proprietor Sri

Rep. by its Proprietor Sri Shaik Sakthi Peddi Reddy. Tousiff Hussain. **..Plaintiffs**
And: 2. P. Sri Sakthi Granite Mining M/s. Shiva Granites, Rep. by its Rep. by its
proprietor Sri Sakthi Peddi Reddy. proprietor P. Babu Prasad Reddy. ...

Defendants. ...Defendant.

4. The prayer in the said two suits is as follows:

in O.S. No. 50 of 2024 :

"The Plaintiff therefore prays that this Hon'ble court may be pleased to pass a decree and judgment in favour of the Plaintiff against the Defendants -

a. Directing the Defendants to pay Rs.70,00,000/- (Rupees Seventy Lakhs) to the Plaintiff towards the royalty dues payable to the Plaintiff from March 2024 to September 2024.

b. Directing the Defendants to pay to the Plaintiff Rs.4,20,000/-towards interest accrued on the royalty dues payable to the Plaintiff by the Defendants from March 2024 to September 2024.

c. Grant a permanent injunction in favour of the Plaintiff against the Defendants restraining the Defendants, his men and agents in any way interfering with the quarrying operations of the Plaintiff.

d. Directing the Defendants to pay to the Plaintiff the costs of the Suit."

in O.S. No. 61 of 2024 :

"Plaintiff therefore prays that this Hon'ble Court may be pleased to pass a decree and judgment infavour of the plaintiffs against the defendant; by

a) restraining the defendant, his men, agents and followers from in any way evicting/ obstructing quarry operations of the plaintiffs and their men, agents and installed shed, machineries, equipments and vehicles belongs to the plaintiffs in the plaint schedule which is used for quarry operation in the plaint schedule property until due process of law by way of permanent injunction;

b) directing the defendant to pay the costs of the suit to the plaintiffs: and

c) pass such other and further orders as this Hon'ble Court may deem, fit and proper in the circumstances of the case."

5. The parties cannot choose the forum, but it can be based on the convenience and Jurisdiction. The prayer to transfer the suit from I Additional District Judge's Court to the VIII Additional District Judge's Court can be understood as vice-versa. The trail and disposal of both the suits by one Court will be convenient for the parties as well as for the Court. Therefore, considering the objection raised by the respondent, instead of transferring the suit instituted earlier in point of time to the Court where the subsequently instituted suit is pending, it would be logical, just, and reasonable to transfer the subsequently instituted suit to the Court where the earlier suit is pending. Therefore, the suit in O.S. No. 61 of 2024

on the file of VIII Additional District Court, Chittoor, can be withdrawn and transferred to the I Additional District Judge's Court, Chittoor, for trial and disposal along with O.S. No. 50 of 2024.

6. For the reasons stated above, the Transfer Civil Miscellaneous Petition is disposed of as follows:

[i] The suit in O.S. No.61 of 2024 is withdrawn from the file of VIII Additional District Judge's Court, Chittoor and transferred to the I Additional District Judge's Court, Chittoor.

[ii] The VIII Additional District Judge is directed to transmit the suit in O.S. No.61 of 2024 forthwith duly annexed.

[iii] The I Additional District Judge, Chittoor is requested to try and dispose of both the cases in O.S. No.50 of 2024 and O.S. No. 61 of 2024 together, either simultaneously or by clubbing, at his choice, depending on the practical and legal convenience, by taking the contentions and submissions of both sides into consideration.

[iv] Both parties are directed to cooperate with the Court for speedy disposal in both the cases.

[v] No Costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.