

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.356 of 2013

ORDER:

This petition is filed to withdraw S.O.P.No.27 of 2013 from the file of Principal Senior Civil Judge, Pithapuram and transfer the same to Senior Civil Judge, Vizianagaram for disposal in accordance with law.

2. Petitioner herein is 3rd respondent in S.O.P.No.27 of 2013, who is 2nd wife of deceased Krishna Rao. Petitioner and the other respondents in S.O.P.No.27 of 2013 are the children of deceased Krishna Rao through his first wife. According to affidavit of petitioner herein, deceased Krishna Rao worked in APSRTC Depot at Vizianagaram and all the pensionary benefits for which succession certificate is claimed have to be settled by Vizianagaram office and all the records will be available at Vizianagaram and she is also residing at Vizianagaram but intentionally this petition was filed at Pithapuram to harass her.

3. Other side has not filed any counter disputing the affidavit averments of the petitioner.

4. Heard both sides.

5. I have perused the material papers filed along with transfer petition and also the main O.P filed by 1st respondent herein. As seen from the averments, the said Krishna Rao died at T.Venkatapuram, hamlet of Tetagunta in Tuni Mandal while working in APSRTC Depot, Vizianagaram. As seen from the cause of action mentioned in Para-IV of S.O.P.No.27 of 2013, the entire cause of action even according to 1st respondent herein was within the jurisdiction of Vizianagaram Court. Only by taking the place of death, O.P. is filed at Pithapuram.

As rightly pointed out by advocate for petitioner all the records pertaining to the service of deceased Krishna Rao will be at Vizianagaram and the pensionary claim has to be settled by Vizianagaram office, therefore, considering the request of petitioner, I feel that O.P. can be transferred to Vizianagaram for disposal in accordance with law.

6. For these reasons, S.O.P.No.27 of 2013 is withdrawn from the file of Principal Senior Civil Judge, Pithapuram and transferred to Senior Civil Judge, Vizianagaram.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 31.12.2014.
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