

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.C.M.P. No.89 of 2015

ORDER:

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This petition is filed to transfer E.P.No.291 of 2014 in O.S.No.291 of 2012 from the file of II Additional District Judge, Vijayawada along with unnumbered E.A.G.Ls to any competent Court at Vijayawada or any other place in Krishna District.

The petitioner herein is JDr in the said E.P. and the E.P. is filed executing a Lok-Adalat award passed in O.S.No.291 of 2012. According to affidavit of the petitioner he filed EAGL No.659 of 2015 under Section 47 of CPC and is without passing any orders on it, the Presiding Officer is proceeding with the enquiry in main E.P and in spite of making a request to the Presiding Officer those EAGL applications are not taken up. It is further alleged that on account of the attitude of the Presiding Officer the petitioner suspect that Presiding Officer is supporting decree holder and for that reason, transfer is sought.

Heard both sides.

Learned Advocate for petitioner submitted that petitioner has no objection for transferring this case to any other Court other than the present Court at Vijayawada since there are many other Courts at Vijayawada with

equal jurisdiction and it is specifically pleaded in the counter and also in the E.A. filed under Section 47 of C.P.C., that there is no decree in the award passed much less executable decree but that objection is not considered and the E.A.s are not numbered.

On the other hand, learned counsel for the respondent-DHr. submitted that the present petition is filed only to drag on the proceedings and specific time may be fixed to the Executing Court to dispose of the E.P. and also the E.As pending.

I have perused the material papers filed along with the transfer petition.

Considering the contentions and rival contentions of both sides and without going into the correctness of the allegations levelled against the Presiding Officer, I feel that this petition can be disposed of by transferring E.P with EAs to any competent Court at Vijayawada by fixing some time for its disposal for the reason if the E.P. is still continued in the same Court it may be embarrassing even for the Presiding Officer as the party levelled some allegations of open support to the petitioner decree holder.

For these reasons, E.P.No.29 of 2014 in O.S.No.29 of 2014 with unnumbered EAs are withdrawn from the file of II Additional District Judge, Vijayawada and transferred to IV Additional District and Sessions Judge's Court,

Vijayawada for disposal in accordance with law. IV
Additional District Judge, Vijayawada shall decide the
EAGL applications pending the said E.P. including
maintainability and dispose of them within one month from
the date of receipt of record.

Transfer Petition is ordered accordingly. No costs.
Miscellaneous petitions, if any, pending in this petition,
shall stand closed.

JUSTICE S.RAVI KUMAR

Dt.12th March, 2015

Note: Issue CC in three days

B/o

Pnv