

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.CMP.No.619 of 2014

ORDER:

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This petition is filed to transfer O.S.No.118 of 2014 from the file of Senior Civil Judge, Siddipet to any competent Court at Secunderabad.

Petitioner is one of the defendant in the above referred suit and according to his affidavit, several suits and proceedings are pending between the parties in the Courts at Secunderabad and Hyderabad and that present suit is intentionally filed at Siddipet. According to the affidavit of the petitioner, the suit at Siddipet is filed with false and baseless allegations and it is difficult for the petitioner to travel from Secunderabad to Siddipet for the purpose of defending the suit as he is permanent resident of Hyderabad. Therefore, he prayed for transfer of O.S.No.118 of 2014 from Siddipet to Secunderabad. It is further stated that no prejudice will be caused to the opposite party if the suit is transferred to Secunderabad from Siddipet.

Heard both sides.

Learned Advocate for petitioner submitted that the present O.P. is filed to transfer O.S.No.118 of 2014 from Siddipet to Secunderabad on the ground of convenience.

I have perused the material papers filed along with

the transfer petition.

In the affidavit, the petitioner referred to several suits and proceedings contending that they are pending in Courts at Secunderabad and Hyderabad. Advocate for petitioner submitted that the property involved in the suit in O.S.No.118 of 2014 is not involved in the suits and proceedings pending before Courts at Secunderabad and Hyderabad, of which numbers are referred in the affidavit, and for that reason the copies of those documents are not filed. As seen from the affidavit of the petitioner transfer is prayed on two grounds. Firstly, the suit at Siddipet has no territorial jurisdiction to try the suit and secondly convenience of petitioner. So far as first ground is concerned, it is a defence available to the petitioner which he has to agitate before the trial Court and that cannot be a ground to invoke the provisions under Section 24 of C.P.C. It is open for the petitioner to raise the objection with regard to jurisdiction before the trial Court and that the trial Court shall decide the same on merits.

With regard to second ground, the petitioner contending that he is a permanent resident of Hyderabad and it is difficult for him to travel a long distance from Hyderabad to Siddipet. Distance between Hyderabad and Siddipet may be around 100 or 110 KMs. Further it is a suit where the presence of petitioner is not required for each and every adjournment and he can be represented by an Advocate and only at the time of giving evidence his

presence may require. Further, even at the time of evidence also the petitioner can pray for appointment of a Commissioner if he has any valid grounds for not attending the Court for giving evidence. Both the grounds urged for transfer are not at all valid to exercise the powers under Section 24 C.P.C. For these reasons, I am of the view that petition is devoid of merits and liable to be dismissed, directing the Court below to decide the objection of the petitioner with regard to jurisdiction in accordance with law not being influenced by dismissal of this petition.

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

JUSTICE S.RAVI KUMAR

Dt.9th March, 2015

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