

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.475 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.S.No.563 of 2014 from the file of the II Senior Civil Judge Court, City Civil Courts, Hyderabad and transfer the same to any Court in Ranga Reddy District at L.B. Nagar or to City Civil Courts, Secunderabad.

2. The petitioner, who is a tenant filed O.S.No.563 of 2014 on the file of the II Senior Civil Judge Court, City Civil Court, Hyderabad against the respondent-landlord for perpetual injunction in respect of the shop bearing No.8-3-231/9/C of Sri Krishna Nagar, Yousufguda, Hyderabad. The respondent herein filed O.S.No.1129 of 2013 against the petitioner for eviction on the file of the II Junior Civil Judge Court, City Civil Court, Hyderabad.

3. At the time of arguments, learned counsel for the respondent submitted that the petitioner herein filed the transfer CMP to withdraw O.S.No.563 of 2014 from the file of II Senior Civil Judge Court and transfer the same to any Senior Civil Judge Court at Hyderabad or at Secunderabad and the same was allowed by the Chief Judge, City Civil Court, Hyderabad. He further submitted that both the matters are coming up for cross-examination of DW.2. The petitioner himself filed this transfer petition seeking transfer from II Senior Civil Judge Court to II Junior Civil Judge Court to be tried along with O.S.No.1129 of 2013.

4. The contention of the petitioner is that the respondent is threatening him. If really there is a threat from the respondent, it is not known as to why the petitioner filed this transfer C.M.P., seeking transfer of O.S.No.563 of 2014 from the file of II Senior Civil Judge Court to II Junior Civil Judge Court, Hyderabad to be tried along with

O.S. No.1129 of 2013. Absolutely there is no material on record to substantiate the stand of the petitioner.

5. As rightly pointed out by the learned counsel for the respondent in order to protract the matter, the petitioner filed the present petition. If this type of petition is allowed, certainly it would amount to misuse of process of law. Hence, there are no grounds much less valid grounds to transfer this petition.

6. For these reasons, this Transfer Civil Miscellaneous Petition is dismissed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand -closed.

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T.SUNIL CHOWDARY, J.

Date: 20.07.2015.

Gv/