

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4176 of 2014

ORDER :

This Revision is filed challenging the order dt.24.07.2014 in T.O.P.No.111/2014 on the file of Principal District Judge, Srikakulam.

2. The petitioner herein is the plaintiff in O.S.No.3 of 2004 and O.S.No.14 of 2005, both of which were being tried by the Special Court for The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989/IV Additional District Judge, Srikakulam.

3. These suits had been clubbed together. Trial commenced in both the suits and evidence had been recorded in O.S.No.14 of 2005; PWs.1 to 4 were examined on behalf of petitioner and DW.1 was also examined on behalf of defendants.

4. In the mean time, the Additional District Court, Sompeta was constituted and the suits were transferred to this Court and re-numbered there. This transfer was effected on the administrative side by the District Judge.

5. Thereafter, T.O.P.111/2014 was filed by petitioner contending that since the trial had progressed substantially before the IV Additional District Judge,

Srikakulam, the suits ought not to have been transferred to the Additional District Court, Sompeta; and that the IV Additional District Judge, Srikakulam would be in a better position to appreciate the matter, since he had recorded evidence in part.

6. The Principal District Judge, Srikakulam rejected the said plea pointing out that in case the learned Special Judge for trial of cases under The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989/IV Additional District Judge, Srikakulam had been transferred to any other Court, the matters cannot be transferred to the court to which he is transferred. It held that after the Additional District Judge Court was established at Sompeta, taking into account the jurisdiction of that Court, the suits were transferred and that even the said Court can appreciate the facts and evidence recorded in both suits.

7. Challenging the same, the present Revision is filed.

8. Heard the counsel for petitioner, Sri K. Manik Prabhu; and Sri K. Vinay Kumar, counsel for respondent nos.2 to 12, 14, 16 to 18. None appears for 1st respondent even though notice is served.

9. The counsel for petitioner contended that the order passed by the Principal District Judge cannot be sustained and that the Principal District Judge ought to

have retained the matters with the Special Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989/IV Additional District Judge, Srikakulam by re-transferring them from the Court of the Additional District Judge, Sompeta to the said Court. He pointed out that the suits had been pending before the IV Additional District Judge, Srikakulam for a very long time and evidence had also been recorded substantially in the suits, and at this stage if they are transferred, prejudice would be caused to petitioner.

10. I am unable to agree with the said submission. The transfer to the Additional District Judge, Sompeta of both these suits was done since the said court had been constituted subsequent to the filing of suit on the basis of jurisdiction, on the administrative side by the Principal District Judge.

11. There is no basis for petitioner to contend that appreciation of the matter by the District Judge Court, Sompeta would not be as good as appreciation of evidence by the IV Additional District Judge, Srikakulam.

12. As rightly observed by the Court below, if the IV Additional District Judge, Srikakulam is transferred to some other Court, the petitioner cannot obviously insist that the suits also be transferred to the Court to which he is transferred. I see no merit in the Revision and it is accordingly dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-06-2015

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