

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

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CIVIL REVISION PETITION No. 320 of 2015

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P.C.:

This C.R.P., filed by A.P.S.R.T.C., is against the order, dated 31.12.2014. The order, dated 31.12.2014, reads thus:

“Order No.6108, dated 31.12.2014:

In exercise of the powers conferred under Section 24 C.P.C. and under the provision of the Civil Court Act, 1972 the Chief Judge, City Civil Court, Hyderabad, is pleased to pass the following orders:

O.S.No.494 of 2012 is withdrawn from the Court of the III Additional Chief Judge's Court, City Civil Court, Hyderabad, and transferred to the Court of the XXV Additional Chief Judge's Court, City Civil Court, Hyderabad for disposal according to the procedure established by law.

The III Additional Chief Judge's Court, City Civil Court, Hyderabad is requested to cause transmission of entire records in the above said O.S. to the Court of the XXV Additional Chief Judge's Court, City civil Court, Hyderabad, with up-to-date index, under intimation to this Court.”

Learned Advocate General, at the outset, invited my attention to the letter, dated 30.12.2014, addressed to the Chief Judge, City Civil Court, Hyderabad, by the respondent-plaintiff's Advocate on record. The letter of the learned counsel reads thus:

“Dt:30.12.2014

To

The Hon'ble Chief Judge,
City Civil Court, Hyderabad.

Respected Sir,

Sub: Request for transfer of O.S.No.494 of 2012 on the file of the Honourable Court of the III Additional Chief Judge, City Civil Court at Hyderabad, to another Court-Reg:

We respectfully submit that we are the plaintiff in the suit in O.S.No.494/2012 on the file of the Honourable Court of the III Additional Chief Judge, City Civil Court at Hyderabad. The said suit was filed against the APSRTC, represented by its Vice Chairman and Managing Director.

We respectfully submit that the Court of III Additional Chief Judge is heavily burdened with large volume of cases under trial. Since the matter has reached the stage of final arguments and also part heard, it is requested that the Honourable Chief Judge be pleased to consider to transfer the suit from the Honourable Court of III Additional Chief Judge to any other Additional Chief Judge Court, for expeditious disposal and in the interest of justice.”

Learned Advocate General submitted that apart from the fact that the Chief Judge had no jurisdiction to pass an order transferring O.S.No.494 of 2012 from the Court of the III Additional Chief Judge, City Civil Court, Hyderabad to the XXV Additional Chief Judge, City Civil Court, it was wrong on the part of the Chief Judge to pass such an order on the letter written by learned Advocate on record for the plaintiff and that too without issuing notice to the petitioner-defendant.

On such submission being made, learned counsel for the respondent-plaintiff submitted that the respondent-plaintiff may be permitted to file an application under Section 24 of the Code of Civil Procedure for similar relief and the application may be directed to be heard within time frame.

In the circumstances, I am satisfied that the following order shall meet the ends of justice:

“Order No.6108, dated 31.12.2014, is set aside. It is open to the respondent-plaintiff to file an application under Section 24 of the Code of Civil Procedure, for seeking transfer of the case as prayed for in the letter, dated 30.12.2014. If

such an application is made by the respondent-plaintiff within a period of four weeks from today, the Chief Judge, City Civil Court, Hyderabad shall consider and decide the same on merits in accordance with law after giving an opportunity of being heard to the petitioner-defendant.”

With these observations, the C.R.P. is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

Dt:17.04.2015

kdI

