

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.738 of 2014

ORDER:

This petition is filed to withdraw A.S.No.35 of 2009 from the file of VI Additional District Judge, Tirupati, Chittoor District and transfer the same to any other Additional District Court at Tirupati, Chittoor District for disposal in accordance with law..

2. Heard both sides.

3. Petitioner herein is first respondent in A.S.No.35 of 2009 and first defendant in O.S.No.181 of 1997. Petitioner filed this transfer O.P. making certain allegations against the Presiding Officer alleging that when there are very very old matters before that Court, Presiding Officer is insisting for disposal of A.S.No.35 of 2009 and petitioner apprehends injustice in the hands of Presiding Officer, on that ground, he sought transfer of A.S.No.35 of 2009 from VI Additional District Judge, Tirupati to any other Additional District Court, Tirupati.

4. Other side opposed the application and submitted that it cannot be transferred for the choice of party and the allegations made against the officer are incorrect and that there are no grounds to transfer A.S.No.35 of 2009.

5. This Court has called for the remarks of the Officer by enclosing affidavit of the petitioner and the Officer offered his remarks denying all the allegations, however stated that he has no objection for transfer of this appeal to any other Court. He stated that the allegations are made only to tarnish his image.

6. Advocate for petitioner submitted that his client is ready to argue the appeal in any Court other than the Court of VI Additional District Judge, Tirupati.

7. On a perusal of the material and the remarks of Presiding Officer, I feel without examining the correctness of allegations and counter-allegations, it is better to transfer the appeal from the Court of VI Additional District Judge, Tirupati to any other competent Court, for the reason even if it is kept pending there, it would be embarrassing for the Presiding Officer to hear the appeal having seen the affidavit of one of the party, who made allegations against him.

8. For these reasons, A.S.No.35 of 2009 is withdrawn from the file of VI Additional District Judge, Tirupati and transferred to IV Additional District Judge, Tirupati for disposal in accordance with law. IV Additional District Judge, Tirupati shall dispose of A.S.No.35 of 2009, as expeditiously as possible, preferably, within two (02) months from the date of receipt of the records.

9. Accordingly, this Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 24.02.2015.
gvl