

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

TR. C.M.P. No. 609 of 2015

ORDER:

This Tr. C.M.P. is filed seeking to transfer O.S.No.64 of 2014 from the Court of the Principal District Judge, Kurnool to the Court of the Principal District Judge, Kadapa.

The case of the petitioner is that the respondent herein filed O.S.No.64 of 2014 and O.S.No.327 of 2015 on the file of the Principal District Judge, Kurnool and the Senior Civil Judge, Kadapa, for recovery of money on the basis of promissory notes alleged to have been executed by him and disputing the execution of promissory notes and also receiving of money, he filed written statements in the suits. It is also his case that as he is a resident of Kadapa and working as Hindi Pandit in Kadapa District, it is difficult for him to attend the Court at Kurnool. Hence, the present transfer petition.

A counter is filed by the respondent denying the allegations made in the petition. It is stated that as the cause of action arose in Kurnool and Kadapa, the respondent filed the suits at those places. It is also stated that the trial has already commenced in O.S.No.64 of 2014 and the respondent filed his chief examination affidavit and the case has been posted for cross-examination by the petitioner. But, whenever the case comes up for cross-examination, it is adjourned at the instance of the petitioner. Only with a view to drag on the proceedings, the petitioner filed the present petition and, as such, sought for dismissal of the same.

Heard both sides.

It is stated by the respondent that since the suit pronote relating to O.S.No.64 of 2014 was executed at Kurnool and the witnesses for the said transaction are staying in Kurnool, it is difficult for him to take the witnesses from Kurnool to Kadapa, and in view of the attitude of the petitioner, who filed a false criminal case against him, the witnesses are not willing to travel all the way from Kurnool to Kadapa. The plaintiff has option to institute a suit where the pronote is executed or where the defendant resides. The respondent/plaintiff has chosen to avail such option and filed the suits at Kurnool and Kadapa basing on the cause of action and the same cannot be found fault. Further, convenience of the witnesses can also be looked into for transfer of cases. More over, the suit in O.S.No.64 of 2014 is at the stage of cross-examination of P.W.1. In view of the above facts and circumstances of the case, I do not see any merit in the transfer petition.

Accordingly, the Tr.C.M.P. is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the Tr.C.M.P. shall stand dismissed.

A. RAJASHEKER REDDY, J.

1st December, 2015
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