

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.43 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.S.No.156 of 2014 pending on the file of Senior Civil Judge Court at Avanigadda of Krishna district and transfer the same to Senior Civil Judge Court at Bapatla in Guntur district.

2 The learned counsel for the petitioner submitted that the respondent threatened the petitioner with dire consequences when he went to the Court at Avanigadda to file written statement in the said suit.

3 *Per contra*, the learned counsel for the respondent submitted that the petitioner did not lodge any complaint to the police till today, which itself indicates the intention of the petitioner to harass the respondent. He further submitted that there are no grounds much less valid grounds to allow this petition.

4 The respondent herein filed O.S.No.156 of 2014 on the file of Senior Civil Judge Court, Avanigadda in Krishna district against the petitioner for recovery of amount of Rs.2,27,000/- on the foot of a promissory note dated 27.11.2011 purported to have been executed by the petitioner in favour of the respondent. After receiving summons from the Court, the petitioner, who is defendant in the said suit, filed written statement on 30.12.2014.

5 I have carefully perused the plaint and the written statement. The petitioner has taken a specific plea in the written statement that the promissory note dated 27.11.2011 is a forged one. If really the respondent threatened the petitioner on 30.12.2014, what prevented him to lodge a complaint to the police concerned? The petitioner did not produce even a single scrap of paper to convince the Court that he lodged a complaint to the police in this regard. It is not uncommon to take this type of pleas. As per the averments made in the plaint, the promissory note was executed within the territorial jurisdiction of

the Senior Civil Judge Court at Avanigadda. Therefore, as per the recitals of the plaint, the cause of action to file the suit arose within the territorial jurisdiction of the said Court.

6 Section 20 (c) CPC mandates that the suit has to be filed in the Court within which territorial jurisdiction the cause of action wholly or in part arises. Except making bald allegations, the petitioner has not placed any material much less cogent and convincing material before this court for transfer of the suit.

7 In order to resolve the issue, this Court takes aid of the ratio laid down by this Court in ***Tallapudi Bharati Vijaya Lakshmi v Lollugu Venkata Ranga Rao***, wherein this Court held as under:

Section 24 of the Code of Civil Procedure cannot be pressed into service to transfer the suit to a Court, which does not have a semblance of jurisdiction, pecuniary, territorial, subject-matter, or other wise.

8. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that the petitioner failed to make out any grounds much less valid grounds to grant the relief as prayed for.

9. For the foregoing discussion, it is not a fit case to allow the petition and accordingly the Tr.CMP is dismissed. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 15.06.2015

Kvsn