

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.25 of 2015

ORDER :

This petition is filed to transfer E.P.No.51 of 2014 from the file of XXV Additional Chief Judge, City Civil Court, Hyderabad, to any other Court of City Civil Court, Hyderabad.

2. Heard advocate for petitioner and advocate for Decree Holder.

3. The main contention or the allegation seeking for transfer is that on 23.01.2015 the Presiding Officer after adjourning the case heard the decree holder counsel and has not given an opportunity to petitioner herein.

4. Other side disputed the said allegation and contended that simply because arguments are advanced in the absence of other side Advocate, nothing can be attributed to the Court, therefore, the allegation is baseless.

5. I have perused the material papers filed along with transfer C.M.P. and also vacate stay petition. As seen from the record, this Court transferred the very E.P. from X Additional Chief Judge, City Civil Court, Hyderabad to XXV Additional Chief Judge, City Civil Court, Hyderabad on the request of decree holder. Now the contention of petitioner herein is that he was not a party to the earlier transfer C.M.P. and decree holder intentionally not made

him as a party. But as seen from the material, petitioner herein filed petition under Order XXI Rule 16 C.P.C. to implead him as a party contending that he is an assignee of the decree and that petition is still pending. Now, the grievance of petitioner is without deciding that application, the Court is proceeding with the E.P. Considering these aspects, I feel by directing the Court below to decide interlocutory applications first, within stipulated time, before passing any orders in the main E.P. this transfer C.M.P. can be disposed of for which both sides agreed.

6. For these reasons, transfer C.M.P. is disposed of with a direction to the Court below i.e., XXV Additional Chief Judge, City Civil Court, Hyderabad, to dispose of E.A.No.1 of 2014 and E.A.2 of 2014 and any other interlocutory applications pending in the E.P. within three months from the date of receipt of this order and only after disposal of interlocutory applications pending as on today, E.P. proceedings have to be taken up. No costs.

7. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

9th February 2015.

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