

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.CMP.No.487 of 2014

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ORDER:

This transfer petition is filed to withdraw O.S.No.33 of 2014 from the file of Junior Civil Judge, Tandur, Ranga Reddy District and transfer the same to XI Junior Civil Judge, Secunderabad.

Petitioner is D.1 in the above referred suit and she contended that she is a resident of Secunderabad, therefore, suit has to be transferred to Secunderabad as she is old and cannot move. It is further contended that it is difficult for her to appear before Tandur Court for the purpose of defending the suit and that suit is not maintainable.

Heard both sides.

Advocate for petitioner submitted that the suit is filed without jurisdiction and the claim of the plaintiff is also not tenable.

Other side opposed the application and contended that these objections are defences available to the petitioner, which she has to agitate in the suit and they are not grounds for transfer.

Considering the submissions and also considering the material on record, I have to accept the objection of the other side, that jurisdiction point and the maintainability is a matter to be decided in the suit. The petitioner is at liberty to urge these grounds before the trial Court and these objections cannot be a ground for transfer of the suit. Further, presence of petitioner is not necessary for each and every adjournment as she can be represented by an Advocate and only at the time of giving evidence, her presence may be required and even at that time also if she feels that it is inconvenient, she can request the Court for appointment of a advocate Commissioner for recording her evidence.

Therefore, the grounds urged are not tenable.

Accordingly, transfer petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this petition, shall stand closed.

JUSTICE S.RAVI KUMAR

Dt.7th April, 2015

PNV