

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.511 OF 2015

ORDER:

This transfer C.M.P. is filed by the petitioner, who is the mother of respondent Nos.1 to 4 herein, for transfer of O.S.No.24 of 2015 pending on the file of the Junior Civil Judge, Andole at Jogipet, Medak District to any other court at City Civil Court, Hyderabad.

The case of the petitioner is that the first respondent, who is none other than her son filed O.S.No.24 of 2015 against her and also against respondent Nos.2 to 5 herein, for partition of the suit schedule properties. It is also the case of the petitioner that she is aged about sixty years and is residing in B-schedule property, which is situated at Jahunama, Hyderabad and as there is no assistance for her, she is unable to travel from Hyderabad to Andole at Jogipet, for defending her case in O.S.No.24 of 2015.

The first respondent filed counter admitting the relationship between him and the petitioner. It is also stated that the petitioner sold away A-schedule property to the fifth respondent herein and is trying to sell away the B-

schedule property situated at Hyderabad. It is also stated that the petitioner is having huge amounts to attend the court at Andole and as he is a painter, he is unable to spend huge amounts to travel from Andole to Hyderabad.

The fifth respondent also filed counter admitting the sale of A-schedule property by the petitioner.

The learned counsel for the petitioner submits that as the petitioner has maintained respondent Nos.1 to 4, who are her sons and daughter respectively, she incurred some debts. As she is aged about 60 years, she is unable to travel at this stage from Hyderabad to Andole and there is nobody to provide assistance to her. Taking into account the age of the petitioner-mother and she being a lady, it will be difficult for her to travel all along from Hyderabad to Andole. Taking into consideration the fact that the respondents are at young age, it may not be difficult for them to attend the court at Hyderabad.

It has to be seen that admittedly, the petitioner-mother is aged about 60 years and by the time of filing of the suit by the first respondent in O.S.No.24 of 2015, she is residing in B-schedule property, which is situated in Hyderabad. Respondent Nos.2 and 3 are residents of Hyderabad as per cause title and they will not have any objection for transfer of

suit to Hyderabad and respondent No.4 has not filed any counter though notice is served and there is no representation.

In view of above facts and circumstances, O.S No.24 of 2015 on the file of Junior Civil Judge at Andole, Jogipet, Medak District is liable to be transferred to City Civil Court at Hyderabad.

Accordingly, the transfer C.M.P. is allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY J.,

Dt.19.11.2015
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