

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.265 of 2014

ORDER:

This petition is filed to withdraw O.S.No.65 of 2013 from the file of X Additional District Judge, Machilipatnam, Krishna District and transfer the same to any competent Court at Hyderabad.

2. Petitioner herein is 1st defendant in the above referred suit and according to his affidavit, all 'B' schedule properties are at Hyderabad and he is also residing at Hyderabad and he is aged about 74 years and due to old age ailments it is difficult for him to attend the Court at Machilipatnam and he underwent bypass surgery and Doctors advised him to take treatment daily at hospital and that he could not move out of house without any assistance, for these reasons he prayed for transfer of O.S.No.65 of 2013 which is filed for partition.

3. Respondent-plaintiff in spite of service of notice neither appeared in person nor through any Advocate.

4. Heard arguments.

5. I have perused the plaint copy filed along with transfer petition and as seen from the plaint copy, 'A' schedule properties are within the jurisdiction of Krishna District. Whereas 'B' schedule properties are within the jurisdiction of Hyderabad.

6. Considering the reasons stated in the affidavit and

also the fact that some of the properties sought for partition are within the jurisdiction of Hyderabad Court, the request of petitioner for transfer of the suit is considered.

6. Accordingly, O.S.No.65 of 2013 is withdrawn from X Additional District, Machilipatnam, Krishna District, and transferred to III Additional Chief Judge, City Civil Court, Hyderabad, for disposal in accordance with law.

7. Accordingly, transfer C.M.P. is allowed. No costs.

8. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

23rd January 2015.

Note :

Issue C.C. by 27.01.2015.

(b/o)

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