

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**TRANSFER C.M.P.No.143 of 2015**

**ORDER:**

This petition is filed to withdraw O.S.No.122 of 2012 from the file of IV Additional District Judge, Kurnool, and transfer the same to Chief Judge, City Civil Court, Hyderabad.

2. Petitioner is plaintiff and respondents herein are defendants in the above suit. According to affidavit of petitioner, 4<sup>th</sup> respondent herein filed written statement in the suit contending that the suit is not maintainable at Kurnool in view of the bye-laws of Choultry and that the litigation is subject to the jurisdiction of Hyderabad and in view of that the present transfer C.M.P. is filed.

3. I have perused material papers.

4. If petitioner is agreeing with the objection taken by 4<sup>th</sup> respondent herein in the written statement in respect of jurisdiction, their remedy is not to file transfer C.M.P. under Section 24 of C.P.C. and their remedy is only to request the Court, where they have instituted the case to return the plaint with liberty to present the same in the Court having jurisdiction or to contest the objection of defendants with regard to jurisdiction.

5. On a scrutiny of affidavit, the remedy of petitioner is not for transfer under Section 24 of C.P.C. and the ground urged in the transfer C.M.P. is not acceptable and accordingly, transfer C.M.P. is dismissed at the admission stage giving liberty to petitioner herein to approach the trial Court and seek appropriate orders. No costs.

6. Miscellaneous Petitions pending, if any, shall stand dismissed.

---

**S. RAVI KUMAR, J**

9<sup>th</sup> April 2015.

mar