

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.5050 of 2015

ORDER:

Heard learned counsel for petitioner. At the admission stage, this Civil Revision Petition is disposed of.

2) This C.R.P is filed by the petitioner/defendant against the order dt:15.10.2015 in T.O.P.No.193 of 2015 passed by the Principal District Judge, Srikakulam refusing to transfer O.S.No.89 of 2013 from the file of Principal Senior Civil Judge, Srikakulam to Additional Senior Civil Judge, Srikakulam.

3) The ground on which the said T.O.P was filed was that the petitioner is the defendant in O.S.No.89 of 2013 and the matter was coming up for cross-examination of PW.1 and at that stage, the son-in-law of plaintiff namely Iragattapu Jogulu attacked the petitioner at his house and abused him in a drunken state and proclaimed that they managed through one Mohana Rao, the original suits bench clerk of the Principal Senior Civil Judge, Srikakulam and saw that the another suit O.S.No.725 of 2012 filed by the present petitioner against the said Iragattapu Jogulu was dismissed and they would also see that the present suit i.e, O.S.No.89 of 2013 is decreed in their favour. On this proclamation, the petitioner filed the T.O.P before Principal District Judge, Srikakulam apprehending that he would not get justice in the Court of Principal Senior Civil Judge, Srikakulam. The said Tr.O.P was dismissed by learned Principal District Judge, Srikakulam observing that no material was filed by the petitioner to show that one Iragattapu Jogulu attacked him and no complaint was lodged against him with the police complaining that he attacked the petitioner and except expressing some apprehension, the petitioner did not produce any material and thus, the petition does not deserve merits.

4) On a close scrutiny of the order of the learned Principal District Judge, Srikakulam, I find no reason to differ with him since except making a bald allegation against the said Iragattapu Jogulu, the petitioner has not produced any material to show that he attacked

him and made such proclamation. Even assuming that the said Iragattapu Jogulu made such proclamation, the truth in his proclamation is highly doubtful as he was admittedly in a drunken state. In such circumstances, the Principal District Judge, Srikakulam cannot be found fault for dismissing the T.O.P. I find no irregularity or illegality in the said order.

5) Accordingly, this Civil Revision Petition is dismissed at the admission stage. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 20.11.2015

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