

THE HONOURABLE MR JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4783 of 2011

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ORDER

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 13.09.2011 in E.A.No.119 of 2011 in E.P.No.191 of 2010 in O.S.No.6739 of 2003 of the XI Junior Civil Judge, City Civil Court, Secunderabad.

2. A decree for recovery of amount was obtained against the petitioner and respondents 2 to 4 by the first respondent herein from the Court of II Junior Civil Judge, Hyderabad. The said decree was then got transferred to the Court of XI Junior Civil Judge, City Civil Court, Secunderabad, by the first respondent for execution.

3. E.P.No.191 of 2010 was filed before the said Court for executing the said decree.

4. E.A.No.119 of 2011 was filed by the petitioner herein objecting to the said Court entertaining the said E.P., contending that the relief sought in the E.P. was attachment of movable properties located at Lothukunta; the petitioner and respondents 2 to 4 are residing at Lothukunta; that the said place falls within the jurisdiction of the Courts at Ranga Reddy District and does not fall within the jurisdiction of XI Junior Civil Judge, City Civil Court, Secunderabad. So he contended that the said Court had no jurisdiction to entertain the E.P.

5. The said objection was rejected by the Court below under the impugned order dated 13.09.2011 stating that Lothukunta will fall within the jurisdiction of Alwal, Secunderabad. The said order of the Court below does not contain any reasons or refers to any material on the basis of which it had come to the said conclusion.

6. Challenging the same, this Revision is filed.

7. Heard Sri Polavarapu Srinivas, learned counsel for the petitioner and Sri M. Shiva Shekar, learned counsel for respondent No.1.

8. While learned counsel for the petitioner insisted that Lothukunta, where the petitioner resides and has property, falls within the jurisdiction of Malkajgiri Mandal of Ranga Reddy District, learned counsel for the first respondent disputed the same.

9. Therefore, to obtain clarification, this Court directed the Registrar (Judicial) to inform as to whether Lothukunta falls within the jurisdiction of the City Civil Court, Secunderabad or falls within the jurisdiction of Courts at Ranga Reddy District.

10. The Registrar (Judicial) has since placed before me, information, after verifying the same from the Principal District and Sessions Judge, Ranga Reddy District as well as Principal Junior Civil Judge-cum-X Metropolitan Magistrate, Cyberabad at Malkajgiri. According to the Registrar (Judicial), H.No.1-14-29 of Lothukunta, where the petitioner resides, falls within the jurisdiction of Additional Junior Civil Judge-cum-XVIII Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District.

11. Having regard to the said fact, the impugned order cannot be sustained and it is, accordingly, set aside. It is declared that XI Junior Civil Judge, City Civil Court, Secunderabad, has no territorial jurisdiction in respect of property bearing No.1-14-29 of Lothukunta, where the petitioner resides and has movable and immovable properties.

12. The Civil Revision Petition is, therefore, allowed. E.P.No.191 of 2010 pending before the XI Junior Civil Judge, City Civil Court, Secunderabad, shall stand transferred to the Court of Additional Junior Civil Judge-cum-XVIII Metropolitan Magistrate Court, Cyberabad at Malkajgiri, Ranga Reddy District. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

10th June, 2015

sj