

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.72 of 2015

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ORDER:

This petition is filed to withdraw O.S.No.107 of 2014 from the file of III Additional District Judge, Tirupati, Chittoor District and transfer the same to I Additional District Judge, Nellore for disposal in accordance with law.

2. Petitioners herein are plaintiffs in O.S.No.107 of 2014. First petitioner herein filed his affidavit in support of the transfer petition. According to affidavit, petitioners i.e., plaintiffs are residents of Chennai and they engaged an advocate practicing at Nellore and all the respondents are residents of Tirupati and they are influencing the office of the trial Court, particularly, Court staff, who are insisting the petitioners to change their counsel and engage a counsel referred to by them and threatening petitioners, and for that reason, they prayed for transfer of O.S.No.107 of 2014 from Tirupati Court to Nellore Court. It is also contended that they filed some other suits in the year 2013 pending before I Additional District Judge, Nellore, and for that reason also, they prayed for transfer of O.S.No.107 of 2014 from Tirupati to Nellore.

3. Respondents have not filed any counter.

4. Heard advocate for petitioners.

5. Advocate for petitioners submitted that as the staff of Tirupati Court are insisting petitioners to engage advocates as referred to by them for prosecuting their suits, they suspect that they may not get fair trial in the Court at Tirupati.

6. I have perused the material papers filed along with transfer petition including affidavit of first petitioner. In the affidavit, the very same reasons are reiterated, which are argued on behalf of petitioners. No specific instances are referred to in the affidavit to support the allegations that are levelled against the Court staff. Even petitioner did not whisper any particular staff's name, who insisted him to engage advocate of Tirupati. Very vague allegations are levelled

against the entire Court staff without pointing any specific person or any specific instance.

7. At the time of argument, learned counsel for petitioners submitted that a complaint is made against Chief Administrative Officer of the III Additional District Court, Tirupati and an enquiry is initiated and petitioner was asked to appear before the Enquiry officer and that he was not allowed by Chief Administrative Officer of that Court to appear before enquiry officer. Learned counsel has produced a copy of notice received from the enquiry officer, and I have perused the same. According to which, he was directed to appear before III Additional District & Sessions Judge, Tirupati/Enquiry Officer at 10.30 a.m. on 21.02.2015. But the contention is that petitioner was not allowed to appear before the enquiry officer by the Superintendent of that Court and that he was asked to appear before Chief Administrative Officer of the Court. But such argument cannot be accepted because when he was asked to appear before the Enquiry officer, why he approached the Superintendent of the Court is not known and unexplained. If really, he was prevented, he can straight away go to the Presiding Officer and complain the same, but without taking any such steps, contending that he was prevented from appearing before enquiry officer cannot be accepted at any stretch of imagination. Further, if really, what all submitted by learned counsel for petitioner is true and correct, nothing prevented petitioner to approach District Judge, who is administrative head sitting at Chittoor to appraise the same by way of written complaint. Without doing all these things, contending that the Court staff are insisting him to engage advocates at Tirupati for the purpose of prosecuting suit filed by them cannot be accepted, therefore, I am of the view that the ground urged for transfer is not a tenable one and that the O.P. cannot be entertained.

8 . For these reasons, the Transfer Civil Miscellaneous Petition is dismissed at admission stage. However, III Additional District Judge, Tirupati is directed to look into the matter and verify the correctness of allegation and do the needful. No costs.

Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 13-04-2015

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