

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.652 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.S.No.177 of 2014 from the file of the Principal Junior Civil Judge Court, Ananthapur District, and transfer the same to the file of the Principal Junior Civil Judge Court, at Kurnool District or any other Court in Kurnool District / or to any other District in the State of Andhra Pradesh or in the State of Telangana, for disposal in accordance with law.

2. Heard both counsels and perused the affidavit filed in support of the petition, counter and reply.

3. A perusal of the record reveals that the petitioner filed O.S.No.177 of 2014 on the file of Principal Junior Civil Judge Court, Ananthapur, seeking perpetual injunction against the respondents. At the time of arguments, both counsels in one voice submitted that the suit schedule property covered under O.S.No.177 of 2014 is situated within the territorial jurisdiction of Principal Junior Civil Judge Court, at Ananthapur. Learned counsel for the petitioner also submitted that the respondents 1 and 2/defendants 1 and 2 have been residing within the territorial jurisdiction of Principal Junior Civil Judge Court, at Ananthapur.

4. Learned counsel for the respondent submitted that the petitioner herein filed O.S.No.398 of 2013 against the defendants therein for specific performance. Both counsels in one voice submitted that the subject matter covered in both suits is almost one and the same. Learned counsel for the petitioner submitted that O.S.No.398 of 2013 filed by impersonating the petitioner. The contention of the learned counsel for the petitioner is that the entire bar developed hostile

attitude towards the petitioner herein.

5. It is not uncommon to make this type of allegations with an ulterior motive to achieve their goals. The scope of the transfer application is very limited. It is not fair on the part of this Court to express any opinion whether O.S.No.398 of 2013 is filed by somebody else in the name of the petitioner or not. It is the duty of the petitioner to take appropriate steps in that regard. It is needless to say that the suit has to be filed in the court within whose jurisdiction the suit schedule property is situated or where the defendants are ordinarily residing. The petitioner has not produced any material to establish that the advocates of Anantapuram Bar threatened the petitioner. The petitioner made several allegations without any basis. If this type of petitions are allowed, the litigant public may feel that they are capable of transferring the matters from one Court to another Court by making unfounded allegations. Even otherwise, the Courts at Kurnool or any other Court in the State of Andhra Pradesh or the State of Telangana has territorial jurisdiction to entertain the suit except the Principal Junior Civil Judge Court, Ananthapur. Even as per the averments made in the plaint, the cause of action arose within the territorial limits of Principal Junior Civil Judge Court, Ananthapur. The plaintiff himself has filed the suit at Ananthapur. Now, the plaintiff has taken a 'U' turn and filed the present petition to transfer the case.

6. As per the decision of this Court in **TALLAPUDI BHARATI VIJAYA LAKSHMI v. LOLLUGU VENKATA RANGA RAO**^[1]

Section 24 of the Code of Civil Procedure cannot be pressed into service to transfer the suit to a Court, which does not have a semblance of jurisdiction, pecuniary, territorial, subject-matter, or otherwise.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the

considered view that the petitioner is not entitled for the relief sought for and the petition is liable to be dismissed.

8. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:25.06.2015.

Rns

[\[1\]](#) Unreported judgment in Tr.CMP 126 of 2011