

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.550 of 2016

ORDER :

This petition under Section 24 of the Code of Civil Procedure, 1908, is filed by the defendants 2, 4 to 6, 8, 9 and 10 in O.S.No.1329 of 2014 on the file of the Court of the learned XV Additional District Judge, Miyapur of Ranga Reddy District, requesting to withdraw the said suit from the file of the said Court and transfer the same to the Court of the learned Principal District Judge, Ranga Reddy, or in the alternative, to any one of the Courts of the learned Additional District Judges of Ranga Reddy District at L.B.Nagar, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of Sri G.Bhanu Prasad, learned counsel for petitioners/defendants, Sri K.V.Bhanu Prasad, learned counsel for the 1st respondent and Sri Y.Kishan, learned counsel appearing for the respondents 3 and 4.

I have perused the material record.

The case was originally instituted in the Principal District Court, Ranga Reddy. When a request was made to dispose of an interlocutory application expeditiously, the learned Principal District Judge passed the following order on 22.12.2015:

“*Suo-motu* suit is advanced in view of the urgency expressed by the defendants 2 to 10 in the suit as they filed a petition 2065/15 for vacation of *exparte* interim injunction orders which are posted today. Since this court is busy with the old matters the entire suit record along with IAs are transferred to XV ADJ on administrative side and to call the petitions in the said court on 29-12-2015.” (Reproduced verbatim)

Thus, the learned Principal District Judge *suo motu* advanced the hearing of the suit and transferred the instant suit from the file of his Court to the present Court only on the ground that his Court is a busy Court with old matters. Learned counsel for both the sides submit that the suit is in regard to an immovable property and that the present Court is not having territorial jurisdiction to deal with the present suit and that, for the reasons stated in the petition, it is just and proper to re-transfer the suit to the Principal District Court or any Additional District Court, Ranga Reddy at L.B.Nagar, for trial and disposal in accordance with the procedure established by law, as such a course would subserve the ends of justice.

Having regard to the submissions of the learned counsel and the facts and circumstances, this Court finds acceptable merit in the request of the petitioners/defendants.

Accordingly, this transfer miscellaneous petition is allowed and O.S.No.1329 of 2014 is withdrawn from the file of the Court of the learned XV Additional District Judge, Miyapur of Ranga Reddy District, and is transferred to the Court of the learned III Additional District Judge, Ranga Reddy at L.B.Nagar, for trial and disposal in accordance with the procedure established by law.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

1st December 2016

ajr