

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.1 OF 2016

ORDER:

This Transfer C.M.P. is filed for transfer of O.S.No.434 of 2005 pending on the file of Junior Civil Judge, Gudur for grant of perpetual injunction.

The petitioner filed Transfer O.P.No.315 OF 2015 before the Principal District Judge Court, Nellore by stating that during the course of evidence while marking certain documents, the counsel for the respondents raised objections and therefore, the petitioner was unable to mark those documents. It is the case of the petitioner that unless those documents are marked, he cannot prove his possession. The court below closed the evidence of the petitioner and, therefore, he filed I.A.Nos. 121 and 122 of 2015 to reopen his evidence and to summon the Mandal Revenue Officer. While submitting arguments in the interlocutory applications, the respondent's counsel passed unnecessary comments and the Presiding Officer did not interrupt the comments. Transfer O.P was dismissed.

The suit is filed in the year 2005 and it appears that the petitioners preferred several petitions to protract the

proceedings and the said applications were dismissed and the evidence of the petitioner was closed on 10.12.2014 and the matter was adjourned for arguments and the petitioner engaged another counsel and filed I.A Nos.121 and 122 of 2015 for reopening and for summoning of Tahsildar for production of Revenue Records and the court below allowed the said applications and even the newly engaged counsel gave up the vakalat. The learned District Judge after considering the same dismissed O.P filed for transfer of case by holding thus:

“.....it is not just and desirable to transfer the said proceedings on the above alleged flimsy ground. It not only discourages and demoralizes the Presiding Officers of the Courts but also sends wrong signals to the public. The parties and their counsel are supposed to assist the Court in rendering justice, but not try to see that the proceedings are dragged-on infinitely, without allowing the Courts to dispose of the matters within a reasonable time though not as intended by the Court.”

The allegations also appear to be vague. As such, I do not find any ground to entertain the Transfer C.M.P., and it is accordingly dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.28.01.2016

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