

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.109 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.S.No.274 of 2006 from the file of Junior Civil Judge, Gudivada, and transfer the same to any other Court having competent jurisdiction.

2. Petitioners herein are defendants in the above referred suit and they contended that an application in I.A.No.858 of 2006 filed by respondent i.e., plaintiff is allowed and an Advocate Commissioner was appointed and that after filing of the report, the said Advocate Commissioner died, but the Court marked the Commissioner's report and other documents relating to the Commissioner's report on 'A' series in spite of objection taken by petitioners herein and without giving an opportunity, posted the matter for arguments, thereafter even without hearing arguments of petitioners, trial Court recorded as if arguments are heard, therefore, the matter has to be withdrawn from that Court and transfer to any other competent Court.

3. Petitioners herein moved District Judge in Transfer O.P.No.181 of 2015 and after hearing both sides, the learned District Judge dismissed that application on the ground that there are no grounds to transfer the case and the allegations in respect of marking the documents and other procedural aspects cannot be a ground for transfer.

Now, as the District Court dismissed the application, petitioners approached this Court again invoking Section 24 of C.P.C. As seen from the material papers including the order of the District Judge dated 30.12.2015, as rightly observed by the learned District Judge, the objections taken on behalf of petitioners is on procedural aspects and they have not challenged the order passed by the trial Court overruling their objections and marking the documents, but they invoked provisions of Section 24 of C.P.C. for transfer of the suit.

I do not find any grounds for invoking Section 24 of C.P.C. to withdraw the suit from Junior Civil Judge, Gudivada, and transfer the same to any competent Court.

4. For these reasons, transfer C.M.P. is dismissed at admission state.

5. Miscellaneous petitions pending, if any, shall stand dismissed. No costs.

S. RAVI KUMAR, J

22nd February 2016.

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