

HON'BLE SRI JUSTICE S. RAVI KUMAR
TRANSFER C.M.P.No.169 of 2014

ORDER:

This petition is filed to transfer O.S.No.74 of 2014 from the file of VI Additional Senior Civil Judge, Visakhapatnam, to any competent Court in Guntur District.

2. Petitioner is defendant in the above referred suit and according to her affidavit, she is working as Additional District Medical and Health Officer and staying at Guntur and that she filed a criminal case against respondent herein and the same is registered as Crime No.605 of 2013 and it is under investigation and respondent intentionally filed O.S.No.74 of 2014 for recovery of money before VI Additional Senior Civil Judge, Visakhapatnam, only to harass her. She stated that she is facing threat from the respondent and other accused in the criminal case, who were forcing her to withdraw criminal case and she is apprehending danger in the hands of respondent at Visakhapatnam. She further stated she being the District Officer stationed at Guntur and operating for the entire Krishna District, it is difficult for her to attend the Court at Visakhapatnam to look after O.S.No.74 of 2014. She stated it is difficult for her to go to Visakhapatnam and take all witnesses to Visakhapatnam, therefore, she prayed for transfer of O.S.No.74 of 2014 from VI Additional Senior Civil Judge, Visakhapatnam, to any competent Court in Guntur District.

3. Respondent in spite of service of notice neither

appeared in person nor through any advocate.

4. Heard arguments.

5. Advocate for petitioner reiterated the affidavit averments of petitioner and submitted that as the petitioner is apprehending danger at Visakhapatnam, her request for transfer of O.S.No.74 of 2014 from Visakhapatnam to Guntur may be considered.

6. I have perused the material papers. In a civil suit presence of party is not necessary for each and every adjournment as party will be represented by Advocate. As seen from the affidavit, she has already engaged advocate and defending the suit, therefore, at best her presence may be required only at the time of giving evidence. If petitioner still apprehends danger in the hands of respondent at Visakhapatnam on the date fixed for recording evidence, she can file petition seeking appointment of Commissioner to record her evidence at her residence and by taking such remedy she can avoid appearance at Visakhapatnam Court. For these reasons, I am of the view that request of petitioner is not reasonable and by observing that petitioner can request the trial Court to record her evidence on commission and on such application is being filed, the trial Court shall consider it sympathetically and decide it on merits.

7. For these observations, this transfer petition is dismissed.

8. Miscellaneous petitions pending, if any, shall stand closed.

30th March 2016.
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S. RAVI KUMAR, J