

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.263 of 2016

ORDER:

This petition is filed to withdraw O.S.No.132 of 2016 from the file of IV Additional District Judge, Visakhapatnam, and transfer the same to Chief Judge, City Civil Court, Hyderabad.

2. Petitioner herein is defendant in the above referred suit representing M/s.M.G. Constructions. According to affidavit of petitioner, she is having a small child of nine years, who is mentally retarded, therefore, it is difficult for her to travel all the way to Visakhapatnam from Hyderabad, which is nearly about 630 kms. She further stated that it is difficult for her to engage a counsel at Visakhapatnam as she has no other male support, for these reasons, she prayed for transfer of O.S.No.132 of 2016 from Visakhapatnam to Hyderabad.

3. Respondent is the plaintiff in the suit. In spite of service of notice respondent neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. As seen from the material, the suit is filed for recovery of money and petitioner herein being defendant in the said suit is representing a construction company. The grounds pleaded by petitioner in her affidavit are not valid grounds to transfer in view of the fact, her physical presence is not necessary in the suit for each and every

adjournment. She being a defendant she can engage any advocate of her choice and if she feels any inconvenience even for attending the Court at Visakhapatnam for giving evidence, she can apply for appointment of advocate commissioner to record her evidence on commission. For these reasons, I am of the view that the reasons stated in the affidavit for transfer of O.S.No.132 of 2016 are not valid reasons and that transfer petition is devoid of merits.

6. Accordingly, this transfer petition is dismissed observing that petitioner is at liberty to approach the Court below for appointment of advocate commissioner to record her evidence in case she feels any personal inconvenience in attending the Court at Visakhapatnam for giving evidence.

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

S. RAVI KUMAR, J

10th June 2016.

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