

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.423 OF 2016

Dated 13-7-2016

Between:

Orugonda Thyagaraju.

..Petitioner.

And:

Orugonda Siddaramaiah.

..Respondent.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

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ORDER:

This application is filed to withdraw O.S.No.160 of 2015 from Additional Senior Civil Judge, Tirupathi and transfer the same to Chief Judge, City Civil Court, Hyderabad.

Petitioner herein is defendant in O.S.No160 of 2015 and according to his affidavit, respondent is no other than his father and suit is filed for partition of plaint schedule properties including movable and immovable and that because of actions of respondent- plaintiff, he is not in a position to put forth his defence conveniently at Tirupathi and even Presiding Officer of court where his case is pending, is not in a position to decide suit because of attitude of plaintiff. He further stated that respondent herein is making baseless comments against him and even chief affidavit filed into court would clearly show that unconnected facts are stated and the court allowed such affidavit, therefore, he lost hope that the courts at Tirupathi can decide the suit impartially because of attitude of respondent. He further stated that respondent is making unnecessary comments under the influence of his sister and brother-in-law though he is a loyal son of the respondent for these reasons he prayed for transfer of suit from Additional Senior Civil Judge, Tirupath to Chief Judge, City Civil Court, Hyderabad.

Heard advocate for petitioner.

Learned counsel reiterated the very same allegations through his submissions and submitted that the suit may be transferred to any place other than Chittoor District as the petitioner is facing humiliation on account of pamphlets published against him, so also, the attitude of respondent.

I have perused the material papers including chief affidavit filed by respondent herein in the suit.

The main contention of the petitioner is that unconnected facts are stated in the chief affidavit. If that is so, those unconnected facts have to be put in cross-examination and get an answer as to the relevancy of those facts with reference to the lis in the suit. The entire allegations made in the affidavit filed in support of transfer petition are not connected with the administration of justice and these are in respect of dispute between the parties for which the petitioner has to take appropriate legal action against respondent for publishing pamphlets against petitioner or making unwarranted comments etc., But those aspects are not grounds for invoking powers under Section 24 C.P.C., therefore, I am of the view that there are no grounds even to order notice in this application, therefore, this petition is liable to be dismissed at admission stage.

This Transfer Petition is dismissed at the admission stage. No costs.

As a sequel to the disposal of this petition, Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 13-7-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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