

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.634 of 2015

ORDER:

This Transfer CMP is filed for transfer of OS.No.80 of 2011 instituted by the petitioner for recovery of possession of the plaint schedule property, pending on the file of the Senior Civil Judge, Sathupally Court, Khammam District to any competent Court at Hyderabad.

The case of the petitioner is that the petitioner and his family members are the owners and possessors of house bearing H.No.2-21, situated at CPS Road, Madhira Village and Mandal, Khammam District and that originally, the said property was purchased by the petitioner's grand father who constructed a compound wall and after his death the property devolved upon the father of the petitioner who developed the said property by constructing a house therein. After his death, his wife Lakshmi Devi managed the said property along with other immoveable properties and after her death the petitioner being elder member and manager of the joint family is managing the properties including the subject property. The respondents 1 to 3 are having house sites on the eastern side of the subject property and there was a compound wall in between the property of the petitioner and the property of the respondents. While so, the respondents demolished the compound wall and trespassed into the subject property of the petitioner to an extent of 120 sq.ys, illegally, and also constructed a building. As such, the petitioner filed suit in OS.No.80 of 2011 on the file of the Senior Civil Judge, Sathupalli seeking delivery of vacant possession of the subject property and permanent injunction. The case of the petitioner is that the trial

Court is pressuring for speedy disposal of the suit by circumventing the procedure contemplated under law. It is also stated that the respondents have deliberately violated the injunction order dated 18.10.2011, as such, the present transfer petition is filed.

Heard learned counsel for the petitioner and respondents.

Though it is stated by the learned counsel for the petitioner that there is life threat to the petitioner, no complaint is lodged by the petitioner as on today. Further, except saying that the trial Court is pressurising for disposal of the suit, no other averments are made for transfer of OS.80 of 2011. More so, the suit is of the year 2011, as such, question of pressurising does not arise. Except vague allegations no reasons were stated for transfer of the OS.No.80/2011. Since it is stated that the subject property is situated within the jurisdiction of Senior Civil Judge, Sathupally, no part of cause of action arise within the jurisdiction of Courts at Hyderabad. In view of the above facts and circumstances, I do not see any ground to transfer OS.No.80 of 2011.

Accordingly, the transfer petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.01.2016
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