

HON'BLE SRI JUSTICE S.RAVI KUMAR

Transfer C.M.P.No.327 of 2016

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Order:

This application is filed to withdraw O.S.No.162 of 2014 from the file of Principal Junior Civil Judge, Narasaraopet, Guntur district and transfer the same to City Civil Courts, Hyderabad on the ground that plaintiffs, defendant and witnesses are residents of Hyderabad and for the convenience of these parties, the suit has to be withdrawn from the file of Principal Junior Civil Judge, Narasaraopet.

2. Heard Advocate for petitioners. It is submitted that other party has no objection for transfer of the suit and therefore considering the convenience of parties, suit has to be withdrawn from Principal Junior Civil Judge, Narasaraopet and transferred to City Civil Courts, Hyderabad.

3. This application is coming up for the first time under the caption of admission and it is not known how the other party has no objection for the relief claimed in this application since no notice is sent to respondent. Further, as seen from the Affidavit filed in support of the petition, ground for transfer is referred in para 4 of the Affidavit, according to which defendant has not filed written statement and he was set *ex parte* and O.S.No.162 of 2014 was decreed in February, 2015 and that the same was restored in March, 2016 without service of notice to him and that he came to know about it after verifying Court records.

4. There are absolutely no convincing reasons at least to order notice to opposite party to entertain the application by invoking powers under Section 24 C.P.C. It is clear that the property covered by suit is within the territorial jurisdiction of Principal Junior Civil Judge, Narasaraopet and as per the provisions of C.P.C, suit in respect of

immoveable property has to be filed before the Court where property is situated within the territorial jurisdiction of that Court. Considering these aspects,

I am of the view that transfer petition is devoid of merit and dismissed at the stage of admission. As a sequel, miscellaneous petitions, if any, pending in this petition shall stand closed.

S.RAVI KUMAR, J.

14th June, 2016.

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