

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.86 of 2016

ORDER:

This petition is filed to withdraw O.S.No.11 of 2015 from the file of Senior Civil Judge, Kandukur, Prakasam District, and transfer the same to any Court of equivalent jurisdiction.

2. Petitioner herein is defendant in the above referred suit and according to his affidavit, respondent herein filed above suit for recovery of money before Senior Civil Judge, Kandukur, on the basis of alleged promissory note said to have been executed by petitioner and that he is contesting the suit by filing written statement. He stated that plaintiff bore grudge against him for filing written statement in the suit and waiting for an opportunity to cause physical harm to him and that there was a physical attack on 03.11.2015 at Kavali and he escaped from the hands of the culprits with great difficulty and he lodged a complaint before Kavali Town Police Station, which is registered as Crime No.284 of 2015. He stated that the very same persons attempted again on 16.11.2015 at Kandukur when he gone there in connection of this case and other cases and those persons proclaimed that they will do away his life and that he lodged a complaint at Kandukur Police Station. He stated that he has no physical safety both at Kavali and Kandukur as the

respondent and his associates openly proclaiming that they would do away his life if the suit amount is not paid to them. For these reasons, he prayed for transfer of O.S.No.11 of 2015 from the file of Senior Civil Judge, Kandukur to any other Court of equivalent jurisdiction.

3. Advocate for petitioner submitted that notice was sent to respondent through registered post with acknowledgment due on 24.02.2016 and as per the track report of Postal Department, the article was delivered to the addressee on 20.02.2016 and considering the same, it is treated that the service is held sufficient.

4. Heard arguments.

5. Considering the reasons stated in the affidavit and apprehension of petitioner, O.S.No.11 of 2015 is withdrawn from Senior Civil Judge, Kandukur, and transferred to Senior Civil Judge, Chirala, for disposal in accordance with law.

6. Accordingly, transfer C.M.P. is ordered.

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

S. RAVI KUMAR, J

9th March 2016.

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