

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.740 of 2015

ORDER:

This petition is filed to withdraw O.P.No.66 of 2015 from the file of Senior Civil Judge, Miryalguda, Nalgonda District and transfer to the same to Senior Civil Judge, Suryapet, Nalgonda District.

2. Wife filed this petition and according to her affidavit, she filed C.C.No.326 of 2015 before Judicial First Class Magistrate, Suryapet, and the same is pending and respondent herein is attending the said Court. She further stated that she filed M.C.No.11 of 2015 before the same Court i.e., Judicial First Class Magistrate, Suryapet, and respondent is also attending to the said case. She contended that respondent filed O.P.No.66 of 2015 without any cause of action before Senior Civil Judge, Miryalguda, and it was filed intentionally to harass her. She stated that as she is a lady, it is difficult for her to travel from Suryapet to Miryalguda, therefore, by taking her convenience into consideration, she prayed for transfer of O.P.No.66 of 2015 from Senior Civil Judge, Miryalguda, to Senior Civil Judge, Suryapet.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that as they both lastly resided at Miryalguda, he filed O.P.No.66 of 2015 before Senior Civil Judge, Miryalguda, and that the allegations made in the affidavit contra to it are not true

and correct and he further stated that there are no sufficient grounds to transfer O.P.No.66 of 2015 from Miryalguda to Suryapet and that he was admitted in hospital due to ill-health and because of his ill-health, it is difficult for him to travel from Miryalguda to Suryapet frequently, for these reasons, he prayed for dismissal of petition.

4. Heard both sides.

5. Advocate for petitioner submitted that no prejudice would be caused to respondent as he is already attending Suryapet Court in connection with two cases pending there, therefore, the ground of ill-health is not tenable.

6. Advocate for respondent submitted that instead of approaching the District Court, the petitioner filed this petition before this Court and as such the relief cannot be granted.

7. Considering the contentions and rival contentions of both parties, as Section 24 of C.P.C. gives liberty to the party to approach District Court or High Court and also considering the distance between Suryapet and Miryalguda which is about 50 km. and the fact that respondent is attending Suryapet in connection of two cases pending there, I am of the view that no prejudice would be caused if this O.P. is also transferred to Suryapet.

8. For these reasons, O.P.No.66 of 2015 is withdrawn from Senior Civil Judge, Miryalguda, and transferred to

Senior Civil Judge, Suryapet, for disposal in accordance with law.

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

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

S. RAVI KUMAR, J

11th March 2016.
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