

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No. 513 of 2016

ORDER:

This petition is filed to withdraw O.S.No.197 of 2011 from the file of XII Additional District Judge, Vijayawada, Krishna District, and transfer the same to XV Additional District Judge, Nuzvid, Krishna District.

2. Petitioner herein is defendant in the above referred O.S.No.197 of 2011. According to his affidavit, he earlier filed Tr.C.M.P.No.60 of 2015 before this Court and for filing that petition, he approached High Court through one Jampana Mastan Rao, Advocate of Vijayawada, and as the said Mastan Rao passed away, there was no communication to him with the High Court counsel. But, after a long time, he came to know that his case was withdrawn by the High Court Advocate on 22.06.2015. According to his affidavit, respondent herein filed the suit against him for recovery of money on the strength of two promissory notes said to have been executed by him and he is contesting the said suit by denying execution of promissory notes. He stated that respondent herein is a practicing Advocate at Vijayawada, that he suspects respondent may influence the other Advocates, who are appearing on behalf of him so also the Bench to get a favourable order in his favour and for that he prayed for transfer of O.S from Vijayawada to Nuzvid.

3. This Court permitted petitioner to take personal notice to respondent by registered post with acknowledgment due.

4. Advocate for petitioner filed Memo on 22.08.2016 stating that as per the track record of the postal Department, registered notice sent to respondent was duly served on 13.08.2016. In spite of that, respondent neither appeared in person nor through any Advocate.

5. Heard Advocate for petitioner.

6. Advocate for petitioner submitted that according to his instructions, earlier Tr.C.M.P. filed by petitioner herein before this Court was withdrawn without his consent by influencing the Advocate on record in that Tr.C.M.P. He submitted that as petitioner is apprehending that respondent because of his occupation as Advocate may influence his colleagues at Vijayawada. Therefore he sought transfer of O.S from Vijayawada. He submitted that petitioner has no objection to transfer the said suit to any Court other than the Courts at Vijayawada.

7. Considering the reasons stated in the affidavit and also the submission of Advocate for petitioner, O.S.No.197 of 2011 is withdrawn from XII Additional District Judge, Vijayawada, and transferred to XVI Additional District Judge, Nandigama, Krishna District, for disposal in accordance with law.

8. Petition is ordered accordingly. No costs.

9. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

Date: 26.08.2016

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