

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.621 OF 2015

Dated 17-2-2016

Between:

A.Naveen Kumar.

...Petitioner.

And:

A.Leelavathi @ Pavani.

...

Respondent.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.621 OF 2015

ORDER:

This petition is filed to withdraw O.S.No.22 of 2015 from the file of Senior Civil Judge, Gadwal, Mahabubnagar District and to transfer the same to the file of Principal Senior Civil Judge, Kurnool.

Petitioner herein is plaintiff in O.S.No.22 of 2015 pending on the file of Senior Civil Judge, Gadwal. Plaintiff filed the said suit for cancellation of registered sale deeds executed in favour of respondents 2 to 5 contending that they are brought into existence in collusion with first respondent, represented by his mother, he being minor.

Respondents 2 and 3 filed counter opposing transfer application on the ground that properties are within the territorial jurisdiction of Gadwal and the petitioner having filed the suit as per territorial jurisdiction now cannot seek for transfer and that there are no valid grounds for transfer of the suit.

Heard both sides.

Advocate for petitioner submitted that the main apprehension of petitioner is that there is a life threat to guardian of plaintiff in Mahabubnagar District and that if

she has to go there with eight years old child, it is highly risk for her in view of threat and for that reason, the suit has to be transferred from Gadwal to Kurnool where she also filed suit O.S.No.30 of 2012 for partition.

Advocate for respondents submitted that respondents 2 and 3 are not parties in the partition suit filed by the petitioner herein and they are no way concerned with the said suit and the allegations of threat is not correct.

Considering the submissions and contentions of both parties as reflected in their affidavit filed in this proceeding, the only ground for transfer is that petitioner is apprehending danger to her life at Gadwal where O.S.No.22 of 2015 is pending. Admittedly the said suit is now ripe for trial and petitioner is apprehending danger as she has to appear before the court with witnesses for giving evidence, which may take considerable time and may not be completed on the same day in view of the serious contest in the suit. If really that is the only apprehension, petitioner can as well request the trial court to appoint an Advocate Commissioner to record her evidence at her place i.e., Kurnool at her residence, so that she can avoid attending Gadwal court for purpose of giving evidence and life threat anticipated by the petitioner can be avoided.

Learned advocate for petitioner represented that petitioner has no objection to take such steps and this transfer petition can be disposed of with such observation.

Accordingly, this Transfer application is disposed of directing petitioner to approach the trial court by filing an application for appointment of Advocate Commissioner to record her evidence and that the trial court shall consider the said application taking into consideration the life threat expressed by the petitioner and the respondent shall cooperate with the court below in disposing of the same. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI

KUMAR

Dated 17-2-2016.

Dvs

HONOURABLE SRI JUSTICE S.RAVI
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