

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.Civil Miscellaneous Petition No.588 of 2016

ORDER:

The Tr.CMP petitioners 83 in number are among 126 respondents to the I.P.No.2 of 2016 filed by the Tr.CMP 1st respondent against the petitioners to the Tr.CMP. vis a vis the other respondents to the Tr.CMP., on the file of the Senior Civil Judge, Adilabad, filed this petition seeking to transfer the I.P.No.2 of 2016 from the learned Senior Civil Judge's Court, Adilabad to the learned Senior Civil Judge's Court, Kamareddy, Nizamabad district.

In the Tr.CMP before admission, notice ordered to the respondent including to the advocate on record, notice to the advocate on record in the lower Court is served as per the India Post Track record. Whereas, notice taken to the respondent additionally of the two addresses returned as door locked thereby there is sufficient service and there is no representation despite it on 22.09.2016 and again even posted to today (dated 23.09.2016).

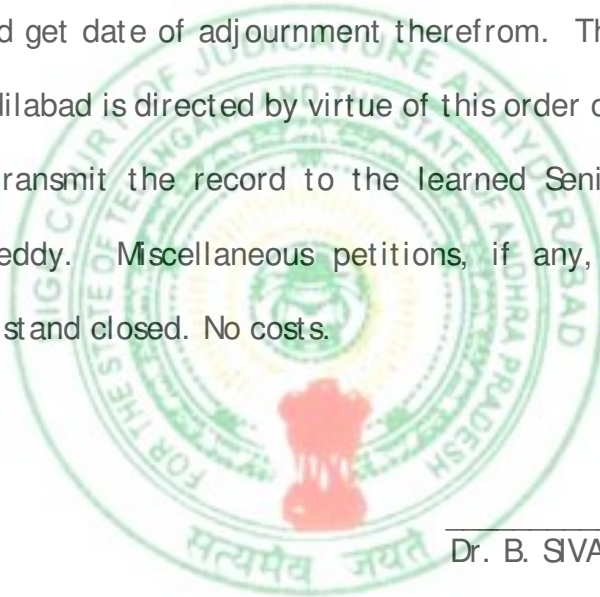
Heard the learned counsel for the Tr.CMP and also taken as heard the Tr.CMP 1st respondent referred supra for the absence. Perused the material on record.

The main grievance of the petitioner in seeking transfer from the learned Senior Civil Judge's Court, Adilabad to the Senior Civil Judge's Court Kamareddy of Nizamabad District is that all of them are residents of Nizamabad and Kamareddy including many of the transfer respondent Nos. 2 to 44 but for a very few of Adilabad and Nirmal of Adilabad area and even the Insolvency Petitioner claimed as of Adilabad in the present address his original address is Kamareddy of Nizamabad district from the contents of the Insolvency Petition (I.P.No.2 of 2016) itself and that all 126 in number have to proceed for every adjournment including to give

any instructions to the respective advocates and thereby it requires to be transferred to Kamareddy, Nizamabad.

Heard. The inconvenience to be outweighed, though the petitioner is *dominus litis* in choosing the forum and place of suing is not be all and end all, is within the power of the Court, to consider. On such consideration, this Court feels that to subserve the ends of justice, it is just to transfer the case as prayed for.

Accordingly and in the result, the Tr.CMP is Allowed. The Tr.CMP petitioners, without any further notice, are directed to appear before the learned Senior Civil Judge's Court, Kamareddy, Nizamabad on 24.10.2016 and get date of adjournment therefrom. The learned Senior civil Judge, Adilabad is directed by virtue of this order on receiving it, to immediately transmit the record to the learned Senior civil Judge's, Court, Kamareddy. Miscellaneous petitions, if any, pending in this Petition, shall stand closed. No costs.



Dr. B. SIVA SANKARA RAO, J

Date: 23.09.2016

Note: Copy by Monday (26.09.2016).
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