

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.605 of 2016

ORDER :

This transfer petition is filed under Section 24 of C.P.C. seeking to withdraw O.S.No.98 of 2015 from the file of Senior Civil Judge, Kothapeta, and transfer the same to any Senior Civil Judge's Court at East Godavari District.

2. The petitioner herein is defendant in O.S.No.98 of 2015 on the file of the Senior Civil Judge, Kothapeta of East Godavari District, which is a suit filed for recovery of an amount of Rs.4,53,000/- based on pronote said to have been executed by him on 24.09.2013 in favour of plaintiff/respondent. The contentions in seeking transfer are that the defendant is practicing advocate at Kothapeta for the past 38 years and he is also a member of the Lok Adalat Committee. But, the same were not considered and he went unsuccessful in moving the transfer petition before the District Judge, Rajamahendravaram in T.O.P.No.388 of 2016 as the suit is ripen for trial, therefore prayed to transfer the suit to some other Court.

3. A perusal of the order of the learned District Judge, Rajamahendravaram, dated 07.09.2016 in T.O.P.No.388 of 2016 shows that the petitioner sought to transfer O.S.No.98 of 2015 on the ground of apprehension since the respondent is a senior advocate and an influential person both physically and financially, the suit would be decreed in his favour. However, having considered the allegations of

the petitioners as baseless, dismissed the T.O.P.No.388 of 2016.

Impugning the same, present transfer petition is filed.

4. Heard and perused the material on record.

5. Undisputedly, the defendant is a practicing advocate put up 38 years of service at the bar. Leave about he is a member of the Lok Adalat Committee is no way a consideration even in the interest of both parties. To avoid any embarrassment to the Senior Civil Judge, Kothapeta, and particularly any possibility of entertaining any little doubt in the mind of the plaintiff, this Court feels to subserve the ends of justice invoking Section 24 C.P.C. to transfer the said suit from the Senior Civil Judge, Kothapeta, to any other Senior Civil Judge's Court within the District.

6. Having regard to the above and the fact that before establishment of Senior Civil Judge, Kothapeta, the jurisdiction of the Senior Civil Judge, Kothapeta, was vested with the Senior Civil Judge, Rajole, which is nearer when compared to other places. Therefore, this Court feels that it is just and necessary to transfer by withdrawing the O.S.No.98 of 2015 before the Senior Civil Judge, Kothapeta to Senior Civil Judge, Rajole, to proceed with the trial according to law.

7. Accordingly, the transfer petition is allowed. O.S.No.98 of 2015 is withdrawn from Senior Civil Judge, Kothapeta and transferred to Senior Civil Judge, Rajole. Both the parties shall appear before the Senior Civil Judge, Rajole, on 24.10.2015 and ascertain therefrom the

further date of hearing. It is needless to say, after receipt of the copy of the order, the Senior Civil Judge, Kothapeta, shall transmit the entire record to the Senior Civil Judge, Rajole, and in turn the Senior Civil Judge, Rajole, number the same and proceed in accordance with law.

8. Miscellaneous petitions pending, if any, shall stand closed. No costs.

27th September 2016.

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Dr. B. SIVA SANKARA RAO, J

