

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.146 of 2016

ORDER:

This petition is filed to withdraw O.S.No.4 of 2007 from the file of II Additional District Judge, Proddatur and transfer the same to any competent court at Kadapa District.

2. Petitioners herein are defendants in O.S.No.4 of 2007, which is filed for recovery of money and defendants filed their written statement and contesting the same. Now transfer O.P is filed on the ground that it is inconvenient for petitioners to travel all the way from Coimbatore to Proddatur and that there is no direct transport facility and also on the ground that he has got a life threat at Proddatur and his cheque bounce cases were transferred on that ground. For these reasons, he prayed for transfer of O.S.No.4 of 2007 from Proddatur to Kadapa.

3. Petitioners herein approached District court on the very same ground and the learned District Judge considering the contentions and also objection of plaintiffs dismissed the transfer application holding that since suit is for recovery of money, presence of petitioners is not required before the trial Court and they can pass on their instructions to their counsel on record both orally and in writing and presence of one of petitioners may be required only for one time for giving evidence and even if the petitioners under any circumstances, which are conducive to them to give evidence, they can as well invoke the provisions for appointment of advocate commissioner for recording their evidence at any place of their choice other than Proddatur holding so dismissed the application. Now the very same grounds are

urged here and I do not find any justification in the request of petitioners.

4. For these reasons, I am of the view that learned District Judge has rightly dismissed the application and there are no bonafides in the claim of petitioners for transfer of O.S.No.4 of 2007 from II Additional District Judge, Proddatur to Kadapa.

5. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed at admission stage. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 10-03-2016
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