

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.78 of 2016

ORDER:

This petition is filed to withdraw O.S.No.378 of 2012 from the file of Principal District Judge, Guntur, and transfer the same to Chief Judge, City Civil Court, Hyderabad.

2. Petitioners herein are defendant Nos.2 and 3 in the above referred suit, as per the affidavit filed in support of petition, transfer is sought mainly on two grounds; *firstly*, petitioner No.1 herein has life threat at Guntur and whenever she used to attend the Court at Guntur, respondent No.2 and her family members created an atmosphere of threatening her and that she was constantly humiliated and heckled on all occasions; *secondly*, due to threat it is not possible to petitioner No.1 to appear before the Court to give evidence or to brief advocate, therefore, sought for transfer of O.S.No.378 of 2012 from Guntur to Hyderabad.

3. Other side filed counter disputing the affidavit averments of petitioners and contended that the suit is a part-heard suit and it is at the stage of examination of defendants i.e., petitioners herein and the allegations of threat and creating intimidating atmosphere at the Court is denied. It is further contended that if petitioners apprehend any danger, they can as well seek for

appointment of Advocate Commissioner to record the evidence at their residence and that there are no grounds for transfer.

4. Heard both sides.

5. I have perused the affidavit, counter-affidavit and reply affidavit filed on behalf of both parties. Without going into the contentions and rival contentions and correctness of the allegations made against each other and as the suit itself is at the stage of defendants' evidence, I am of the view that by directing petitioners herein to invoke the provisions for appointment of Advocate Commissioner to record their evidence at their residence, the apprehension of petitioners with regard to life threat and other intimidating circumstances can be solved.

6. For these reasons, this transfer C.M.P. is disposed of directing petitioners to approach the Court below and seek for appointment of Advocate Commissioner for recording their evidence at their residence and on filing such petition, the Court below shall consider the same by taking the apprehensions of petitioners with regard to life threat and intimidating circumstances at Guntur. Since respondents themselves have suggested for appointment of Advocate Commissioner, there cannot be any objection for respondents herein if such petition is filed before the Court below.

7. Miscellaneous petitions pending, if any, shall stand

closed.

20th April 2016.

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S. RAVI KUMAR, J