

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.403 of 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.S.No.315 of 2017 pending on the file of Principal Junior Civil Judge, Ananthapuramu and transfer the same to the file of Principal Junior Civil Judge, Yemmiganur or Principal Junior Civil Judge, Adoni or any other Court in Adoni Division, Kurnool District for disposal in accordance with law on the ground that the petitioner lodged a complaint to the ACB to lay trap and accordingly a trap was laid and the respondent's son was arrested and thereafter released. But taking advantage of the situation created a letter and filed suit for recovery of Rs.1,60,000/-. Based on such suit the petitioner is attending the Court and is facing life threat and apprehending danger in the hands of the respondent and her son. Therefore, the petitioner requesting this Court to withdraw O.S.No.315 of 2017 pending on the file of Principal Junior Civil Judge, Ananthapuramu and transfer to any other Court at Adoni Division, Kurnool District.

As seen from the allegations made in the petition, the only ground that urged before this Court for withdrawal and transfer of suit is threat to his life whenever he is attending to the Court in connection with the suit.

The suit was filed in the year 2017 fixing the date for appearance on 03.05.2017. At best, the matter might have undergone one or two adjournments. The record does not disclose that the petitioner faced any such threat and if really, the petitioner is facing such threat, he would have lodged a complaint before the police against who threatened him or at least to the Presiding Officer of the Court before whom the matter is pending.

The Apex Court in ***Parminder Kaur (Smt.) Vs. State of Uttar Pradesh and another***¹, held that vague and unfounded allegations in transfer application against the respondents would not form the basis for transfer. Therefore, the Apex Court declined to withdraw and transfer the matter pending before one Court to the other Court, while concluding that it is too nebulous ground for transferring the cases from the trial Court, Rampur, to the Court of competent jurisdiction at Delhi or Chandigarh.

In view of the law declared by the Apex Court, while deciding any application under Section 24 of C.P.C., the Court must keep in mind the parameters for exercising such discretion. Based on unsubstantiated allegation that the petitioner is facing life threat in the hands of the respondent and in the hands of his son, this Court cannot withdraw and transfer the suit pending on the file of Principal Junior Civil Judge, Ananthapuramu and consequently, the petition is devoid of merits and liable to be dismissed at the stage of admission.

Accordingly, the Transfer Civil Miscellaneous petition is dismissed.
No costs.

Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 28.06.2017
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¹ (2007) 15 SCC 307