

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TR.C.M.P.NO.385 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of the Civil Procedure 1908 (for short, 'C.P.C'), is filed to withdraw the suit in O.S.No.633 of 2016 on the file of I Additional Junior Civil Judge, Rajamahendravaram, East Godavari District and transfer the same to the Principal Junior Civil Judge, Nuzvid, Krishna District, on the ground that the petitioner is residing at Hanuman Junction, Krishna District, which is at a distance of 125 KMs., from Rajamundry and she is suffering from ill-health.

2. Heard learned counsel for the petitioner at the stage of admission.

3. The aforesaid suit is filed for recovery of an amount of Rs.89,600/- on the foot of promissory note. The cause of action for filing the suit arose within the jurisdiction limits of I Additional Junior Civil Judge, Rajamahendravaram. In the affidavit filed in support of the petition, it is stated that the petitioner is a resident of Hanuman Junction, Krishna District and as she is suffering from ill-health, she is unable to undertake journey covering distance of 125 KMs., from the place where she is residing. If that is the difficulty, she can file an application for appointment of advocate commissioner for recording her cross-examination and such difficulty is not at all a ground to withdraw and transfer the case being a defendant in the suit. The suit pending before the Court below is a civil proceeding and her presence on every date of adjournment is not required as long as she is being represented by a counsel and prosecuting the case on her behalf. Therefore, the

difficulty expressed by the petitioner is not a ground to withdraw and transfer the case and the petitioner can file application under Order XXVI Rule 1 CPC for recording cross-examination and in the event of filing of the same, I Additional learned Junior Civil Judge, Rajamahendravaram, East Godavari District, is requested to consider the request of the petitioner. Hence, I find no ground to withdraw and transfer the case.

4. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

JUNE 23, 2017
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M. SATYANARAYANA MURTHY, J



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Date: 23.06.2017

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