

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.R.P. Nos.1783, 2034 AND 2197 OF 2016

COMMON ORDER:

All these three revisions are filed by the respective revision petitioners questioning the orders, dated 15.10.2015, passed in Transfer O.P. Nos.218, 219 and 215 of 2014, respectively, by the learned District Judge, Srikakulam, whereby and where-under he refused to transfer the suits in O.S. Nos.26, 12 and 3 of 2013 (Old O.S. Nos.9/2003, 36/2008 and 37/2010), respectively, from the file of Additional District Judge, Sompeta to any District Court at Headquarters of Srikakulam District.

2. Revision Petitioner No.1 in CRP No.1783 of 2016 is sole revision petitioner in CRP No.2197 of 2016, while revision petitioner No.7 is the sole revision petitioner in CRP No.2034 of 2016.

3. Heard Sri K. Manik Prabhu, learned counsel for the revision petitioners in all these revisions, and Sri Karri Murali Krishna, learned counsel for respondent Nos.2 & 3 in CRP No. 1783/2016, respondent Nos.1 to 3 in CRP No.2034 of 2016 and respondent Nos.1 and 2 in CRP No. 2197 of 2016.

4. The learned counsel for the revision petitioners would submit that original suits were all brought to the head-quarters of Srikakulam District, and when they were pending trial, the aforesaid three suits were transferred to the Additional District Court at

Sompeta, when the new Court was established on point of jurisdiction. But, the learned counsel would submit that the revision petitioner in C.R.P. Nos.1783 and 2197 of 2016 was 85 years old even on the date of filing the present revisions and he is a resident of Visakhapatnam and other petitioners are also residents of different cities and districts; some of them are employed at Bangalore and Hyderabad. Therefore, it is too difficult for them to travel all the way to Sompeta which is located at far off distance from Srikakulam headquarters. The Court below on the mere ground that the plaint schedule properties are situated within the territorial jurisdiction of Sompeta, refused to accede to the request. The learned counsel also would submit that pursuant to the administrative order passed, all the aforesaid three suits were sent to Sompeta, and keeping in view, the convenience of the parties, their request may be acceded to.

5. The only point that requires consideration is:

Whether the parties would be put to inconvenience in case all the three suits are withdrawn from the file of the Additional District Judge, Sompeta and transferred the same to the Court at headquarters of Srikakulam District?

6. As could be seen from the cause title itself, it is clear that the revision petitioner in CRP Nos.1783 and 2197 of 2016 was 85 years and he must be 87 years now, and all other petitioners are located elsewhere and some of them at Bangalore and Hyderabad, while respondent No.7 is at Visakhapatnam.

7. When kept in view, the distance as well as the factor that earlier all the cases were at District Headquarters Court of Srikakulam and when kept in view, the age of revision petitioner No.1, who is sufficiently old and resides at Visakhapatnam, it is just and reasonable to accede to the request to avoid causing hardship to the petitioners and no prejudice would be caused to the respondents. Hence, the requests are acceded to.

8. Accordingly, all the revisions are allowed. The suits O.S. Nos.26, 12 and 3 of 2013 (Old O.S. Nos.9/2003, 36/2008 and 3 of 2013) respectively, pending on the file of Additional District Judge, Sompeta are withdrawn and transferred to the file of the Principal District Judge, Srikakulam. Since the suits relate to the 2003 year, the District Judge is hereby directed to dispose of all the three suits by conducting joint trial if the District Judge so opines keeping in view the parties and the nature of relief and the subject matter of the relief or independently, as expeditiously as possible, but not later than 31st December, 2018. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revisions, stand closed.

A. SHANKAR NARAYANA, J

April 17, 2018.

Note:

Furnish CC of order
by 21.04.2018. (B/O.) Mgr