

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.171 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.S.No.210 of 2016 from the file of the Senior Civil Judge Court, Narsapur, West Godavari District, and transfer the same to Senior Civil Judge Court, City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner and perused the material on record.

3. A perusal of the record reveals that the first respondent filed O.S.No.210 of 2016 on the file of the Senior Civil Judge Court, Narsapur, against the petitioner and respondents 2 and 3 for recovery of an amount of Rs.3,84,000.75ps., with interest at 12% per annum from the date of suit till the date of realisation. The petitioner and respondents 2 and 3 have appeared before the trial Court and filed written statement. The petitioner filed the present transfer petition.

4. A perusal of the record further reveals that the first respondent filed the suit against the petitioner and respondents 2 and 3 basing on the promissory note dated 14.12.2013 alleged to have been executed by the husband of the petitioner. As per the recitals of the plaint, the husband of the petitioner executed a promissory note at Narsapur. There is no much dispute between the parties with regard to the place of execution of promissory note. It is needless to say one has to file the suit in the court in whose territorial jurisdiction the cause of action arises. The contention of the petitioner is that the first respondent is

threatening her. Except the averments made in Para-4 of the affidavit, there is no other material to substantiate the stand taken by the petitioner. The petitioner did not mention on which date the first respondent threatened her. The possibility of filing of this type of petitions in order to protract the litigation cannot be ruled out completely. Mere apprehension in the mind of the petitioner that itself is not sufficient to transfer the petition without any material much less legally admissible material. There are no grounds much less valid grounds for transfer of the suit. Hence, the petition lacks merits and *bona fides* and the same is liable to be dismissed.

5. In the result, the transfer civil miscellaneous petition is dismissed. As a sequel, miscellaneous petitions, pending if any shall stand closed.

Dt:10.10.2018
Rns

T.SUNIL CHOWDARY, J

