

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
TRANSFER CIVIL MISCELLANEOUS PETITION No.158 of 2018

ORDER:

Heard Sri K. Rajanna, learned counsel for the petitioner.

The only ground on which the present application, requesting to transfer the suit in O.S.No.2807 of 2007 from the file of the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar, to any other Senior Civil Judge's Court either in Ranga Reddy District at L.B. Nagar or at Hyderabad, is filed is that the order, dated 12.02.2018, in I.A.No.55 of 2018 in O.S.No.2807 of 2007 passed by the VIII Additional Senior Civil Judge, dismissing the petition, is a cryptic order and the revision petitioner is unable to exactly comprehend the said order.

A neat copy of the docket orders, dated 19.01.2018, 06.02.2018, 09.02.2018 and 12.02.2018 passed in I.A.No.55 of 2018, which is filed at page No.14 of the material papers, read thus:

“

DOCKET ORDERS

Dated on this the 19th day of January, 2018.

Notice given. For Counter & Hearing. Call on 06.02.2018.

Dated on this the 06th day of February, 2018.

Petitioner absent. No representation. At request of Respondent.
Call on 09.02.2018.

Dated on this the 09th day of February, 2018.

Counter filed. But petitioner absent. No representation. Despite calling several times. However as peremptorily for hearing.
Call on 12.02.2018.

Dated on this the 12th day of February, 2018.

Petitioner absent. No representation despite calling several times. Plaintiff absent on last adjournment also & no representation. Hence petition is dismissed.”

It is obvious from the docket orders of the Court below that on 12.02.2018, when the I.A filed under Order VI Rule 17 read with Section 151 CPC was called, the petitioner was absent and there was no representation and even on the previous date of adjournment, the petitioner was absent and there was no representation and, therefore, the learned VIII Additional Senior Civil Judge dismissed the petition.

Certainly, the order dated 12.02.2018, cannot be said to be a cryptic order, since no merits require to be touched at that stage. It appears, only with a view to avoid the case being proceeded with on the file of the said Court, the present revision is filed. Obviously, there is no merit and, indeed, the parties cannot be encouraged to move an application of this nature commenting at the orders passed by the Court below. The orders passed by the Court below are clear, besides the affidavit of the learned counsel for the petitioner before the Court below is not filed to show whether he was actually present and what transpired in the Court below.

Hence, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending in the present revision, stand closed. No order as to costs.

A. SHANKAR NARAYANA, J

21.03.2018

v v