

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.187 OF 2018

ORDER:

The present transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed seeking to withdraw O.S.No.50 of 2018 from the file of learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, and transfer the same to the file of the learned II Additional Chief Judge, Secunderabad.

2. Heard Sri V. Surender Reddy, learned counsel for the petitioners, who are defendant Nos.1 to 3 in the said Suit. Though, respondent No.1 - plaintiff, who is the necessary party, is served with notice, none appears for him.

3. Learned counsel for the petitioners would submit that respondent No.1 claims to be the son of petitioner Nos.1 and 2 by virtue of a document obtained from the Gram Panchayat, which is stamped as Birth Certificate, but, in fact, he is not the son, according to petitioner Nos.1 and 2. Learned counsel would also submit that there is every threat to petitioner Nos.1 and 2 and petitioner No.3, who is the daughter of petitioner Nos.1 and 2, and there is no male assistance, except petitioner No.1, who is 84 years old, and, therefore, seeks to withdraw O.S.No.50 of 2018, filed for partition and separate possession of the suit schedule properties, from the file of learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, and transfer the same to the file of learned I Additional Chief Judge, Secunderabad.

4. As could be seen from the cause title, respondent No.1 – plaintiff resides at Old Malkajgiri, Medchal District. It would not be difficult for him to attend the Court at Secunderabad, which is nearby, perhaps at a distance of 13 – 14 Kilometres. Therefore, keeping in view, the threat imposed on the petitioners herein and also, keeping in view, that the petitioners are residents of New Boiguda, Secunderabad, certainly, it is reasonable to accede to the request of the petitioners, as it would be convenient for the petitioners to attend the Court at Secunderabad rather than the Court at Malkajgiri.

5. Hence, the present transfer petition is allowed. O.S.No.50 of 2018 pending on the file of learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, is withdrawn and transferred to the file of learned I Additional Chief Judge, Secunderabad. The learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, is directed to transmit the case bundle to the learned I Additional Chief Judge, Secunderabad. The learned I Additional Chief Judge, Secunderabad, shall issue notices to the parties on receipt of the case bundle.

Miscellaneous Petitions, if any, pending in this transfer petition shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

April 13, 2018.

Note: Issue C.C. by 17.04.2018.
B/O.MD