

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.273 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.S.No.278 of 2017 from the file of the Principal Junior Civil Judge, Ramachandrapuram, East Godavari District, and transfer the same to the Court of Junior Civil Judge, Gajuwaka, Visakhapatnam District.

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

3. The facts leading to filing of the present petition are briefly as follows:

The respondent herein filed O.S.No.278 of 2017 on the file of Principal Junior Civil Judge, Ramachandrapuram, East Godavari District, against the petitioner herein for recovery of an amount of Rs.2,96,933/- basing on a promissory note. It is the case of the petitioner that the respondent created promissory notes and filed suits at Ramachandrapuram and Anaparthi. It is the further case of the petitioner that he is facing much difficulty to attend the Court at Ramachandrapuram as he is working as Senior Assistant in Sub-Treasury Office, at Yelamanchili. Hence, the present transfer petition.

4. A perusal of the record reveals that the petitioner is the defendant in O.S.No.282 of 2017 on the file of the Court of Junior Civil Judge, Anaparthi. The petitioner is also defendant in O.S.No.16 of 2018 on the file of the Court of Senior Civil Judge,

Ramachandrapuram. The petitioner is also an accused in C.C.No.54 of 2018 for the offence punishable under Section 138 of the Negotiable Instruments Act, on the file of the Court of Additional Judicial Magistrate of First Class, Ramachandrapuram. A perusal of the record further reveals that three cases are pending against the petitioner in different courts at Ramachandrapuram. The petitioner did not file any petition for transfer of the above matters from Ramachandrapuram to Gajuwaka. A perusal of the record further reveals that the petitioner is working in Sub-Registrar Office, Yelamanchili, not at Gajuwaka. The record reveals that the cause of action for filing of the present petition arose within the territorial jurisdiction of Junior Civil Judge Court, Ramachandrapuram. It is a matter of common knowledge that the parties to civil proceedings need not appear before the Court on each and every date of adjournment. No doubt, the petitioner has to attend the Court at the time of trial only. Mere inconvenience of the petitioner by itself is not a valid ground to allow the petition filed under Section 24 of CPC. If the petition is allowed, it may cause untold hardship to the respondent. Even if this Court allows this petition and transfers O.S.No.278 of 2017 as prayed by the petitioner, the petitioner has to attend before the Courts of Junior Civil Judge, Anaparthi, Senior Civil Judge, Anaparthi and Judicial Magistrate of First Class, Anaparthi in view of pendency of above referred three cases. The petitioner has not assigned any reasons much less cogent and valid reasons for transfer of O.S.No.278 of 2017 from the Court of Principal Junior Civil Judge, Ramachandrapuram, East Godavari District, to the Court of Junior Civil Judge, Gajuwaka, Visakhapatnam District.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is not a fit case to allow the petition and it is liable to be dismissed.

6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

25th April 2018,
Rns

