

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER C.M.P. No.236 OF 2015

ORDER:

The present Transfer Civil Miscellaneous Petition, under Section 24 of the Code of civil Procedure, 1908, is filed, by the plaintiffs in O.S. No.22 of 2013 requesting to withdraw the same from the file of Principal District Judge at Kadapa, and to transfer it to any competent Court within the jurisdiction of Anantapur District.

2. Heard Sri Parsa Ananth Angeswar Rao, learned counsel for the petitioners, and Sri J. Ugranarasimha, learned counsel for respondent No.5, and Sri Koneti Raji Reddy, learned counsel for respondent No.6, and perused the material on record.

3. Learned counsel for the petitioners would submit that the petitioner No.3 is a woman and she has got two minor children, who are petitioner Nos.1 and 2 herein, and she resides at Anantapur, her mother's place, and she used to attend the Court at Kadapa to prosecute the aforesaid suit, but respondent No.1 threatened her with dire consequences and, in fact, he even threatened her not to come to Kadapa for any case and when she approached the police and attempted to lodge police complaint, the police asked her to furnish details of the persons, but, she could only give a written complaint on 26.11.2014. Thus, on the ground that she apprehends threat to her life in the hands of respondent No.1, made the present request.

4. Learned counsel for respondent Nos.5 and 6 would submit that in fact, C.C. No.119 of 2010 on the file of the learned Special Judicial Magistrate of First Class, Kadapa, was tried and disposed of at Kadapa and the allegation of threat now made by the petitioners is without any basis. Their submission is also to the effect that all the defendants are not made as parties. There are as many as 25 defendants and only six of them are picked up and on this ground also this transfer petition is not maintainable.

5. So far as first submission made by the learned counsel for the petitioners is concerned, except the averment made in the petition affidavit, no other material is placed. Even otherwise, the C.C. was prosecuted on the file of Judicial Magistrate of First Class, Kadapa, and disposed of may belie the allegation of threat made by the respondent No.1. This apart, there is patent defect in not arraying the remaining 19 defendants as respondents in the array of respondents herein, though, from Serial Nos.13 to 25 in the array of defendants in the suit are banks and private chit fund companies. But, however, there are other defendants, who are individuals, and, therefore, it is difficult to accede to the relief of transferring the O.S. No.22 of 2013 from the file of the Principal District Judge, Kadapa to any competent Court within the jurisdiction of Anantapur.

6. Therefore, the present Transfer Civil Miscellaneous Petition is dismissed, however, leaving it open to the petitioners, if there is really any such threat, to come up with proper proof. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present transfer petition stand dismissed.

A. SHANKAR NARAYANA, J

March 22, 2018.

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