

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.217 of 2016

ORDER:

This transfer civil miscellaneous petition is filed by the petitioners, under Section 24 of CPC, seeking to withdraw O.S.No.66 of 2014 from the file of the Court of I Additional District Judge, Khammam to any District Court in Hyderabad.

2. Heard the learned counsel for both the parties.

3. The learned counsel for the petitioners submitted that in relation to the suit schedule property, the respondent lodged a complaint against the petitioners to the Station House Officer, L.B. Nagar Police Station, who in turn registered the same as Crime No.1027 of 2017; therefore, O.S.No.66 of 2014 may be transferred to any District Court in Hyderabad.

4. A perusal of the record reveals that the respondent filed O.S.No.66 of 2014 on the file of the Court of I Additional District Judge, Khammam against the petitioners, for specific performance. It is the case of the respondent that the petitioners have executed an agreement of sale on 18.12.2012 in favour of the respondent agreeing to sell the suit schedule property admeasuring Acs.2.00 situated in survey Nos.145/E and 146/E of Polepalli Revenue Village, Khammam Rural Mandal, Khammam District. The record further reveals that the petitioners and the respondents are residents of Khammam. In this petition also, the addresses of the petitioners are shown as residents of Khammam District. The cause of action for filing the suit arose within the territorial jurisdiction of the Court of I Additional District Judge, Khammam. The suit schedule property is situated in Khammam. The witnesses to be examined belong to Khammam.

Merely because the petitioners are accused in Crime No.1027 of 2017 of L.B. Nagar Police Station, by itself is not a valid ground to transfer O.S.No.66 of 2014 from the file of the Court of I Additional District Court, Khammam to L.B. Nagar. The affidavit filed in support of the petition does not disclose reasons much less cogent and valid reasons for transfer of the suit.

5. Having regard to the facts and circumstances of the case, this Court is of considered view that there are no grounds much less valid grounds to allow the petition.

6. In the result, the transfer petition is dismissed. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

Date: 24.9.2018
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T. SUNIL CHOWDARY, J

