

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr. CIVIL MISCELLENEOUS PETITION No.291 of 2012

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of CPC, is filed by the petitioner to withdraw O.S.No.1 of 2012 pending on the file of the Additional District and Sessions Judge at Wanaparthi and transfer the same to the Court of I Additional District Judge, Mahaboobnagar, Mahaboobnagar District, on the following two grounds:

The first ground urged before this Court is that the Court at Wanaparthi is kept vacant without posting any Presiding Officer and the Additional District Judge at Mahaboobnagar, is holding full additional charge to the Court Additional District and Sessions Court at Wanaparthi and thereby the trial in O.S.No.01 of 2012 has not commenced so far.

The second ground urged is that a part of the claim was settled due to interference of Senior Counsel at Wanaparthi and in view of the settlement and execution of the Sale Deed, the part of the claim was given up as abandoned and the Senior Counsel practicing at Wanaparthi may influence the Presiding Officer of the Court.

According to the contention of the petitioner, the Presiding Officer of the Court at Wanaparthi is not posted, but that is not a ground to withdraw and transfer the case from one Court to another.

However, both the counsel brought to the notice of this Court that an Officer is posted and he is discharging his duties.

The second ground of the petitioner is that one Sri Raveendra, Senior Counsel, who is practicing at Wanaparthi, may influence the Presiding Officer. But, there is no basis for such apprehension except making a bald allegation. Therefore, none of the grounds raised by the petitioner are sufficient to withdraw O.S.No.1 of 2012 pending on the file of Additional District and Sessions Judge at Wanaparthi and transfer the same to the Court of I Additional District Judge, Mahaboobnagar, Mahaboobnagar District.

Accordingly, this Transfer Civil Miscellaneous Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY,J

Dt: 24-01-2018

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