

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No. 5730 OF 2018

ORDER:

This Civil Revision Petition is filed by the petitioners/defendants challenging the order dated 05.09.2018 in Tr.O.P.No.31/2018 passed by the Principal District Judge, Ongole dismissing the petition filed by the petitioner to transfer the suit in O.S.No.17/2008 from the file of Junior Civil Judge's Court for disposal according to law.

2. In the impugned order, the learned District Judge observed that the petitioners sought for transfer of cases to any other Court on the ground that from the observations made by the Presiding Officer in earlier suits in O.S.No.44/2004 and O.S.No79/2007 it was evident that the Presiding Officer cannot dispose of the matter as per law based on merits and demerits of the case.

3. Learned District Judge having relied on decision in **K.Subba Rao vs. Laxminarayana Complex¹** wherein it was held that if a party aggrieved by a judgment of a Court, has a remedy to file an appeal or revision or writ petition but that cannot be allowed to be taken as a ground for transfer of other cases from a particular Court, declined to transfer the suit from the file of Junior Civil Judge's Court to any another Court.

4. Heard the learned counsel for the petitioners and Smt.V.Dyumani, learned counsel for the respondents.

5. After careful scrutiny of the impugned order, I find no perversity or illegality therein warranting interference of this Court. As rightly observed by the learned District Judge, the way the

¹ 1996 AIR (kar) 127

Presiding Officer decides the other suits cannot be treated as a criteria to transfer the subject suit from his Court to any another Court. The decisions rendered by the Presiding Officer in other suits are subject matter of appeals wherein correctness of his judgment will be tested by the higher Courts. However, that cannot be a ground to transfer the suits pending before that Court. If it were so, that would lead to disastrous results.

6. Hence, I find no merits in the Civil Revision Petition. Accordingly, the same is dismissed. No order as to costs.

07. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 16.11.2018
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