

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER C.M.P. No.285 OF 2016

ORDER:

The present Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, by defendant No.2 in O.S. No.22 of 2013 on the file of learned II Additional District Judge, Kadapa at Proddatur, requesting to withdraw the said suit and transfer the same to the file of learned V Additional District Judge, Kadapa at Rayachoti.

2. Heard Sri A. Hanumanth Reddy, learned counsel for the petitioner, and perused the material on record.

3. The notice sent to respondent No.1 (plaintiff) returned un-served with an endorsement 'addressee left', though, it was sent to the address shown in the cause title of the suit before the trial Court.

4. Despite service of notice, none appeared for respondent Nos.2 and 3.

5. The learned counsel for the petitioner would submit that the learned V Additional District Judge, Kadapa District, at Rayachoti, at whose instance, the above suit was transferred, has now been transferred, and, therefore, the administrative ground, on which the suit was transferred, does not exist now and the petitioner herein, therefore, filed Transfer O.P. No.412 of 2015 for restoration of the

suit to the jurisdictional Court i.e., the learned V Additional District Judge, Rayachoti, Kadapa District, but, the learned Principal District Judge, Kadapa, misconstrued and misdirected himself and dismissed the said Transfer O.P. erroneously, and, therefore, the petitioner made the present request.

6. Incidentally, the petitioner, in his affidavit, referred to suit in O.S. No.27 of 2012, which was originally filed on the file of the learned V Additional District Judge, Rayachoti, Kadapa District, and the learned V Additional District Judge, Rayachoti, requested for transfer of the said suit for the reason that he had worked under the husband of the plaintiff. The learned counsel was, however, unable to give stage of the proceedings in the said suit. But, it is clear, when verified details of the case status, that the said suit is coming up for further evidence and stood posted to 12.04.2018 on the previous occasion.

7. When once trial was already commenced and the suit is coming up for further evidence, the question of acceding to the request to withdraw the suit in O.S. No.22 of 2013 from the file of the learned II Additional District Judge, Kadapa at Proddatur, and transfer the same to the file of the learned V Additional District Judge, Kadapa at Rayachoti, merely on the ground that the Presiding Officer, at whose instance the suit was transferred from the said jurisdictional

Court, is no more acting as Presiding Officer at the jurisdictional Court to which Court, transfer is sought for, does not arise.

8. However, keeping in view, that the suit relates to the year 2012 when it was originally instituted, it is desirable to direct the learned II Additional District Judge, Proddatur, to dispose of the same as expeditiously as possible within a period of four (4) months from the date of receipt of a copy of the order, and accordingly ordered.

9. With the above direction, the Transfer Civil Miscellaneous Petition is dismissed, at the admission stage itself. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present Transfer Civil Miscellaneous Petition stand closed.



A. SHANKAR NARAYANA, J

April 27, 2018.

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