

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.724 of 2019

ORDER:

This Revision is filed challenging the order dt.06-03-2019 in Transfer O.P.No.2 of 2019 of the Principal District Judge at Nalgonda.

2. Petitioners are defendant Nos.7 to 10 in O.S.No.7 of 2006 on the file of the Senior Civil Judge at Suryapet.

3. The respondent Nos.1 and 2 filed the said suit against petitioners and others in the year 2005 before the Court of Senior Civil Judge at Miryalaguda. It was numbered as O.S.No.62 of 2005. Later it was transferred to the Court of Senior Civil Judge, Suryapet and re-numbered as O.S.No.7 of 2006.

4. Even the trial in the suit has not commenced.

5. Transfer O.P.No.2 of 2019 was filed by petitioners stating the above facts and contending that there is no progress in the suit for all these 12 years and the petitioners were facing lot of trouble and inconvenience to prosecute their case by going to a Court which is located at a far of place from their native place. It is also stated that the initial transfer was made because of a problem with the then Presiding Officer, who has since been transferred.

6. No counter-affidavit was filed by respondent Nos.1 and 2.

7. By order dt.06-03-2019, the Court below dismissed the said O.P. It held that petitioners had never protested against the transfer of the suit and kept quiet since 2006 for almost 13 years before filing the said application, but at this point of time, they cannot raise the plea of inconvenience in attending the Court at Suryapet.

8. Assailing the same, this Revision is filed.

9. Though learned counsel for petitioners sought to contend that the proceedings in the suit are going on in a snail space and the suit has been pending for almost 14 years without any progress, that cannot be the reason to transfer the suit again to the Senior Civil Judge's Court, Miryalaguda on the ground of inconvenience to the parties. Petitioners had never challenged the order of transfer of the suit from the Senior Civil Judge's Court at Miryalaguda to the Senior Civil Judge's Court at Suryapet, and in any event, they would have engaged a counsel to attend to the suit and their presence would only be required as and when their evidence is taken on record.

10. Therefore, I see no reason to interfere with the order passed by the Court below rejecting the application for transfer of the suit.

11. However, the Court of Senior Civil Judge at Suryapet is directed to dispose of O.S.No.7 of 2006 on its file as early as possible preferably within four (04) months from the date of receipt of a copy of this order.

12. The Civil Revision Petition is dismissed with the above directions. No costs.

13. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-03-2019

Vsv

