

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

TRANSFER C.M.P. NO.107 OF 2019

ORDER:

This Transfer CMP is filed seeking transfer of O.S. No.7 of 2013 from the VIII Additional District Judge, Medak District at Medak to the court of any other competent District Judge, in the premises of Sanga Reddy District court building at Sanga Reddy District.

It is the contention of the petitioners that they are plaintiffs in the said suit which they had filed for declaration of title, permanent injunction and rectification of entries before the VIII Additional District Judge, Medak. It is contended that the suit is coming for trial and that the Government of Telangna issued G.O.Ms. No.365, increasing the number of Districts in the State from 10 to 32 and also change the Mandals. Petitioner contends that the subject matter of the suit now fall in a different Mandal in Sanga Reddy District and that the petitioner had taken steps not only to amend the cause title, but also the schedule in the suit to reflect the appropriate Mandal and District.

Petitioner contends that the Government and its officials are the defendants in the suit and it would be convenient to the respondents if the suit is now transferred to the court of any District Judge in the premises of Sanga Reddy District court from the court of the VIII Additional District Judge, Medak.

This request is a strange request. If there is any inconvenience for the respondent in the Transfer CMP/defendants

in the suit to contest the proceedings in the court of the VIII Additional District Judge, Medak and it is more convenient for them if the venue is shifted to Sanga Reddy District court building at Sanga Reddy in Sanga Reddy District, they should move a transfer petition.

That apart the Government order quoted by the petitioner would not apply to the judiciary because the judiciary is still as on date following the old pattern of revenue Districts and not the new pattern of 31 revenue districts.

No prejudice is caused to the petitioner if the transfer is not affected and in fact more prejudice would be caused to the petitioner if transfer is affected because the suit is of the year 2012 and the disposal of the suit would get further delayed if it is transferred to a new court.

Therefore, I see no reason to transfer O.S. No.7 of 2013 from the court of the VIII Additional District Judge, Medak District at Medak to the court of District Judge in the premises of Sanga Reddy District court building at Sanga Reddy. The Transfer CMP fails and is, accordingly, dismissed. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 17.07.2019

MRKR