

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 271 OF 2022

Between:

Kanumuri Venkata Rao, S/o. Venkata Seshavataram, aged 53 years,
Occupation: Business, R/o 27-5-22, Budhavarapu Street, Kakinada, East
Godavari District, AP.

...PETITIONER

AND

Seerapu Yadagiri Reddy, S/o. Penta Reddy, aged 53 years, Occupation:
Business, R/o. Bellorigudem of Palvoncha Town, Bhadradi Kothagudem
District.

...RESPONDENTS

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed there with, the High Court may be pleased to transfer O.S.No.78 of 2022 on the file of the I Additional Senior Civil Judge Cum I Additional Assistant Sessions Judge, Kothagudem to competent Senior Civil Judge Court in Khammam, Khammam District.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all the further proceedings in respect of O.S.No.78 of 2022 on the file of the I Additional Senior Civil Judge cum I Additional Assistant Sessions Judge, Kothagudem pending disposal of this Transfer Civil Miscellaneous Petition and grant such other relief or reliefs as this Hon'ble court may deem fit and proper in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. N.V. ANANTHA KRISHNA, Advocate for the Petitioner and none appeared for the respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TRANSFER CIVIL MISCELLENOUS PETITION NO.271 OF 2022

ORDER :

This petition has been filed by the petitioner, who is the defendant in O.S.No.78/2022, under Section 24 of the Code of Civil Procedure, 1908 with a prayer to transfer O.S.No.78/2022 from the file of the I Additional Senior Civil Judge, Kothagudem, to the file of the competent Senior Civil Judge, Khammam.

2. As could be seen from the averments made in the present petition, it appears that earlier when the suit was pending before the Principal Senior Civil Judge, Kothagudem, the petitioner herein filed T.O.P.No408/2010 before the District Judge, Khammam with a request to transfer the said suit from Kothagudem to Khammam. As per the certified copy of Order of the District Judge, Khammam, available in the present petition, the said T.O.P.No.408/ 2010 was allowed and O.S.No.543/2009 was transferred from the file of the Principal Senior Civil

Judge, Kothagudem, to the file of the Senior Civil Judge, Khammam. Now, the petitioner claims that while the said suit was pending at Khammam, in view of the reorganization of the Judicial Districts, again the said suit was transferred to Kothagudem and renumbered as O.S.No.78/2022.

3. Learned counsel for the petitioner has submitted that at the time of proposal for the transfer of the said suit from Khammam to Kothagudem, he made an oral request for retaining the said suit at Khammam but his request was not considered. He further stated that since already once this suit was transferred to Khammam and as the petitioner is a resident of East Godavari District and as he apprehends threat at Kothagudem, he sought for transfer of the said suit from Kothagudem to Khammam.

4. As per the Order in T.O.P.No.408/2010, by the time the said order was passed, the suit was at the trial stage and the petitioner/defendant is a resident of Kakinada and in view of the apprehension expressed by him, the request was considered.

5. The respondent/plaintiff, who received the notice in the present petition, did not choose to appear before the Court to oppose the request. Thereby, it deemed that he has 'no objection' for said transfer.

6. Considering the circumstances explained in the accompanying affidavit filed in support of the petition and the submissions made by learned counsel for the petitioner, this Court feels that there are sufficient grounds to transfer the said suit as such this petition is liable to be allowed

7. In the result, the petition is allowed. As a consequence thereof, O.S.No.78/2022 on the file of the I Additional Senior Civil Judge, Kothagudem, is withdrawn and transferred to the file of the Additional Senior Civil Judge, Khammam.

The concerned Court is hereby directed to transmit the entire case file, after duly indexed, within two weeks from the date of receipt of this Order, under the intimation to the other side.

Pending miscellaneous applications, if any, shall stand closed. No costs.

//TRUE COPY//

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR
SB
SECTION OFFICER

To,

1. The I Additional Senior Civil Judge-Cum-I Additional Assistant Sessions Judge, Kothagudem.
2. The Senior Civil Judge court in Khammam.
3. One CC to SRI. N V ANANTHA KRISHNA, Advocate [OPUC]
4. Two CD Copies
K.A.R

BSR

HIGH COURT

DATED:27/10/2022



ORDER

TRCMP.No.271 of 2022

ALLOWING OF THE TRCMP
WITHOUT COSTS

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06/02/23
BSR