

(2023) 02 TEL CK 0074

In the Telangana High Court

Case No : Transfer Civil Miscellaneous Petition No. 414 Of 2022

Ramesh Chandra Soni

APPELLANT

Vs

Mukunddas Soni And 6 Others

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 24

Citation : (2023) 02 TEL CK 0074

Hon'ble Judges : Sambasiva Rao Naidu, J

Bench : Single Bench

Advocate : Aadesh Varma

Final Decision : Disposed Of

Judgement

1. Proof of service filed. Notice sent to respondent Nos.1 to 3 were returned unserved with an endorsement 'unclaimed'. It is deemed that the service against respondent Nos.1 to 3 is sufficient. Hence, they were set ex parte. Respondent Nos.4 to 7 are not necessary parties.

2. Heard learned counsel for the petitioner.

3. This transfer civil miscellaneous petition has been filed by the petitioner/plaintiff under Section 24 of the Code of Civil Procedure, 1908 with a prayer to transfer O.S.No.2658 of 2018 from the file of the XX Additional Junior Civil Judge, City Civil Court, Hyderabad, to any other competent Court in Hyderabad.

4. Learned counsel for the petitioner has submitted that the suit has been adjourning for framing of issues since 2019. All the parties made their appearance in the suit in the month of January, 2019 and the defendants have filed their written statements. Though the petitioner/plaintiff has filed draft issues, the matter has been adjourned from time to time without framing any issues. The suit is sufficiently old since it is filed five years ago.

5. A perusal of the material available on record and having regard to the

submissions made by learned counsel for the petitioner, this Court feels that there is some force in the arguments on behalf of the petitioner.

6. In view of the peculiar circumstances in this case, the Court below is directed to dispose of the main suit itself within a period of Six (6) months from the date of receipt of a copy of this Order. Further, the Court below shall frame the issues in the main suit on or before 15.03.2023 and report the compliance to the Registry after disposal of the suit.

7. With the above said observations, the Transfer Civil Miscellaneous Petition is disposed of. Pending miscellaneous applications, if any, shall stand closed. However, there shall be no order as to costs.