

THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO
CIVIL REVISION PETITION No.1414 of 2023

ORDER:-

The petitioner herein is the 2nd plaintiff and daughter of the deceased plaintiff No.1 in O.S.No.363 of 1998 on the Court of the Principal Junior Civil Judge, Tadepalligudem. This suit was filed for declaration of title and recovery to an extent of 85 sq.yards of land in Survey Nos.121/1 & 123/1 of Pentapadu Village. The said 85 sq. yards is said to be part of the larger extent of 4000 sq.yards of land belonging to the 1st plaintiff. The 1st plaintiff has passed away during the course of the suit proceedings and the petitioner herein and the 7th respondent herein, who are the daughters of the 1st plaintiff were impleaded as plaintiff Nos.2 & 3. The 7th respondent is appearing as party-in-person on her own behalf and on behalf of the petitioner.

2. The petitioner herein and the 7th respondent had moved Tr.OP.No.82 of 2022 before the Principal District Court, At Eluru for transfer of O.S.No.363 of 1998 from the Court of Principal Junior Civil Judge, Tadepalligudem, to any other Court. This application was made on the ground that the Presiding Officer was biased against the petitioner and the 7th respondent and that some incidents enumerated in the application make out a clear case of bias and prejudice on the

part of the Presiding Officer against the petitioner and the 7th respondent herein.

3. This Tr.OP.No.82 of 2022 was moved before the Principal District Judge, Eluru, who, after hearing both sides, dismissed the application on 01.02.2023. Aggrieved by the same, the petitioner has moved the present Civil Revision Petition.

4. Heard, Smt. M. Udaya Sree, 7th respondent herein on her behalf and behalf of the petitioner and Sri Mangena Sree Rama Rao, learned counsel appearing for the respondents 1 & 2.

5. Smt. M. Udaya Sree, 7th respondent herein would submit that it is not only the Presiding Officer who has a bias against her and her sister but also the staff of the Court. She would further submit that though the Presiding Officer who was prejudiced against them is transferred and a new Presiding Officer has been posted, the bias against her continues as the earlier Presiding Officer continues to influence the staff to act against them.

6. Sri Mangena Sree Rama Rao, learned counsel for the respondents 1 & 2 would submit that there was an earlier round of litigation in C.R.P.No.3041 of 2019 & Batch, in which

this Court had directed the disposal of O.S.No.363 of 1998, within a period of three months. He would submit that the Presiding Officer, in compliance of the said direction was trying to complete the hearing of the case at the earliest and there was no bias exhibited by the Trial Court.

7. Smt. M. Udaya Sree, 7th respondent would submit that the order of the Court was not restricted to O.S.No.363 of 1998 but also including a direction to dispose of O.S.No.364 of 1998 pending before the very same Court.

8. It appears that O.S.No.363 of 1998 is presently at this stage of arguments after completion of evidence on both sides.

9. The main ground on which the transfer is sought is the prejudice and bias said to have been exhibited by the Presiding officer. As the said Presiding Officer has been transferred and there is a new Presiding Officer, the said ground would not continue anymore and cannot be a ground for transfer of the case to any other Court.

10. Smt. M. Udaya Sree, 7th respondent would submit that the prejudice and bias is continuing as the staff of the Court are refusing to accept any applications made by her and her sister and in fact, two applications have been rejected by

the earlier Presiding Officer and she is entitle to move the Court for relief.

11. In view of the fact that the present application relates to question of whether the transfer of the case should be take up or not, the submissions made by Smt. M. Udaya Sree would require her to take appropriate steps and would not be within the purview of this Court in these proceedings.

12. In view of the above observations, this Court does not find any reason or ground to transfer O.S.No.363 of 1998 out of the present Trial Court.

13. Accordingly, the Civil Revision Petition is dismissed.

14. As the suit is of the year 1998 and this Court had already directed an early disposal of the suit, it would be appropriate to further direct the Trial Court to complete the hearing of the case and pass judgment, within a period of three months from the date of receipt of this Order. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

JUSTICE R.RAGHUNANDAN RAO

Date:22.08.2023
BSM

THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO

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