

THE HON'BLE SMT JUSTICE K. SUJANA

+ TR.C.M.P.NO.501 OF 2023

% 02.05.2024

A.Ushi Reddy S/o.Parma Reddy,
Aged about 58 yrs, Occu : Advocate,
R/o.H.No.74, Bayyanagudem (V),
Mahalingapuram Gram Panchayat,
Shankarpally (M), R.R.District,
Presently residing at R/o.16-2-145/64/7 (New 648),
Anand Nagar, Malakpet Colony,
Hyderabad 500 036 & others

.....Petitioners

And

\$ The Hon'ble Prl. District & Sessions Judge,
Ranga Reddy District at L.B.Nagar,
Hyderabad and others

.....Respondents

! Counsel for the petitioners : Sri A. Ushi Reddy
(Party-in-person)

Counsel for respondents : Sri Vivek Jain for respondents
1 and 2
Sri Vinod Kumar Kothapally
For respondent No.3

< Gist :
> Head Note :
? Citations :1. (1999) 2 Supreme Court cases 577
2. AIR 1998 Supreme Court 1855

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

TR.C.M.P.NO.501 OF 2023

Between:

A.Ushi Reddy S/o.Parma Reddy,
Aged about 58 yrs, Occu : Advocate,
R/o.H.No.74, Bayyanagudem (V),
Mahalingapuram Gram Panchayat,
Shankarpally (M), R.R.District,
Presently residing at R/o.16-2-145/64/7 (New 648),
Anand Nagar, Malakpet Colony,
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The Hon'ble Prl. District & Sessions Judge,
Ranga Reddy District at L.B.Nagar,
Hyderabad and others

.....Respondents

DATE OF JUDGMENT PRONOUNCED : 02.05.2024

SUBMITTED FOR APPROVAL:**THE HON'BLE SMT JUSTICE K. SUJANA**

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SMT JUSTICE K. SUJANA**TR.C.M.P.NO.501 OF 2023****ORDER :**

This transfer petition is filed by the petitioners seeking transfer of O.S.No.324 of 2022 from the Court of learned Junior Civil Judge, Chevella to the Court Building of L.B.Nagar, Ranga Reddy District at L.B.Nagar and also to initiate disciplinary proceedings against respondent No.1 for suppressing the directions of the order of the High Court and committed serious mis-conduct and dereliction of duty and the learned Junior Civil Judge, Ranga Reddy District at Chevella should be placed under suspension forthwith and to conduct detail enquiry.

2. This transfer petition is filed by the petitioners stating that they are the defendants in O.S.No.324 of 2022 on the file of Junior Civil Judge, Ranga Reddy District at Chevella. Plaintiff filed the suit for permanent injunction against the defendants and also filed I.A.No.958 of 2022 seeking temporary injunction. In the said I.A., notice was issued to the respondents. On receipt of notice, the respondents filed I.A.No.1430 of 2022 and 1431 of 2022 for production of original Gift Settlement deed, but the Court below dismissed the said I.As. Therefore, they filed recall petition as per the observations made by the Court below and the said petitions

are also rejected at the time of scrutiny itself. They also filed petitions for recalling the orders passed in I.A.Nos.1430 and 1431 of 2022 and the said petitions are also rejected by the scrutiny officer. The petitioners also filed petition for determining the issue of maintainability of I.A.No.958 of 2022 filed by the petitioners seeking temporary injunction under Order XXXIX Rules 1 and 2 r/w.Section 151 CPC in view of the directions issued by the Hon'ble Supreme Court, but the scrutiny officer without registering the I.A., rejected the petition by violating the Civil Rules of Practice. According to him, the learned Civil Judge, Chevella is showing personal interest and instead of referring the suit to Principal District Judge, the Junior Civil Judge, Chevella sent letter dated 06.09.2023 seeking instructions on the petition filed by them. The learned Principal District Judge, Ranga Reddy District, on receipt of the said letter and the representation of Sri Vinod Kethepally, Advocate for the plaintiff in O.S.No.324 of 2022, who is the 4th respondent herein, stated that in view of the directions issued by the High Court for the State of Telangana, the case cannot be transferred. Therefore, the learned Junior Civil Judge, Chevella is required to dispose of the case as per law.

3. It proves that the 4th respondent played fraud on the Court of learned District & Sessions Judge, Ranga Reddy District at

L.B.Nagar for obtaining fraudulent order. As per Section 35 of the Advocate Act, 1961, fraud is a serious mis-conduct and amounts to contempt of the Court. As such, prayed the Court to transfer O.S.No.324 of 2022 to any other Court in L.B. Nagar.

4. Heard Sri A. Ushi Reddy, party-in-person/petitioner No.1 who has also filed vakalath for revision petitioners 2 and 3, Sri Vivek Jain, learned counsel appearing for respondents 1 and 2 and Sri Vinod Kumar Kothapally, learned counsel appearing for the respondent No.3.

5. Learned counsel for the petitioners would submit that the petitions filed by the petitioners herein are rejected at the time of scrutiny itself. Though he mentioned the same, it is a separate petition, it was not numbered and without submitting bundle to the Principal District Judge, the concerned officer addressed letter to the Principal District & Sessions Judge, Ranga Reddy District at L.B.Nagar and the learned Principal District & Sessions Judge, without authority of Rules and judgment of this Court, directed the Junior Civil Judge, Chevella to conduct trial in the case as per law, which shows that the concerned advocate played fraud on the Court and the Junior Civil Judge is showing interest in favour of the plaintiff. Therefore, he prayed the Court to transfer O.S.No.324 of 2022 to any other Court in L.B. Nagar.

6. The learned counsel appearing for respondents 1 and 2, submits that petitioners have to withdraw the case against respondent Nos.1 and 2; they are the judicial officers discharging their functions. He relied on the judgment of the Hon'ble Supreme Court in **Savitri Devi Vs District Judge, Gorakhpur and others**¹ wherein it was held as under :

“14. Before parting with this case, it is necessary for us to point out one aspect of the matter which is rather disturbing. In the writ petition filed in the High Court as well as the special leave petition filed in this Court, the District Judge, Gorakhpur and the 4th Additional Civil Judge (Junior Division), Gorakhpur are shown as respondents and in the special leave petition, they are shown as contesting respondents. There was no necessity for impleading the judicial officers who disposed of the matter in a civil proceeding when the writ petition was filed in the High Court; nor is there any justification for impleading them as parties in the special leave petition and describing them as contesting respondents. We do not approve of the course adopted by the petitioner which would cause unnecessary disturbance to the functions of the judicial officers concerned. They cannot be in any way equated to the officials of the Government. It is high time that the practice of impleading judicial officers disposing of civil proceedings as parties to writ petitions under Article 226 of the Constitution of India or special leave petitions under Article 136 of the Constitution of India was stopped. We are strongly deprecating such a practice.”

7. Learned counsel for respondents 1 and 2 also relied on the judgment in **M/s.Chetak Construction Ltd. Vs Om Prakash and others**², wherein the Apex Court in para 16 observed as under :

“16. Indeed, no lawyer or litigant can be permitted to brow beat the court or malign the presiding officer with a view to get a

¹ (1999) 2 Supreme Court Cases 577

² AIR 1998 Supreme Court 1855

favourable order. Judges shall not be able to perform their duties freely and fairly if such activities were permitted and in the result administration of justice would become a casualty and rule of law would receive a setback. The Judges are obliged to decide cases impartially and without any fear or favour. Lawyers and litigants cannot be allowed to “terrorize” or “intimidate” Judges with a view to “secure” orders which they want. This is basic and fundamental and no civilised system of administration of justice can permit it. We certainly, cannot approve of any attempt on the part of any litigant to go “forum-shopping”. A litigant cannot be permitted “choice” of the “forum” and every attempt at “forum-shopping” must be crushed with a heavy hand.”

8. In view of the observations made in the above judgments, learned counsel for respondents 1 and 2 requested the Court to dismiss this petition and also to issue contempt proceedings against the revision petitioners.

9. Learned counsel for respondent No.2 submits that he only made a representation to the District Court to take decision on the letter submitted by the Junior Civil Judge. He never attended before the Principal District Judge with regard to the suit and because of the said letter, he made a representation to the Principal District Judge. Unnecessarily, the revision petitioners are attributing malafides without there being any merit and without there being any evidence. Therefore, he prayed the Court to dismiss this transfer petition and also punish the revision petitioners.

10. Having regard to the submissions made by the party-in-person and learned counsel for respondents 1 and 2, the revision petitioner No.1 who is the party-in-person, filed this petition attributing malafides to the judicial officers, without any basis. Any order passed by the Junior Civil Judge is either appealable or he can file a revision against the said order. Without resorting to the procedure laid down by law, the revision petitioners unnecessarily filed complaints against the judicial officers and there is no evidence to attribute malafides to the judicial officers. The Junior Civil Judge, Chevella addressed letter for getting instructions from the Principal District Judge, in the matter and the Principal District Judge, has directed the Junior Civil Judge, Chevella to try the case as there is an order of this Court to dispose of the matter. In C.R.P.No.1416 of 2020, this Court directed to dispose of I.A.No.958 of 2022 in O.S.No.324 of 2022 within a reasonable period of time, preferably within a period of six months. Therefore, there is no illegality in the order of the learned Principal District Judge, Ranga Reddy District at L.B.Nagar. It is not necessary to call for the advocates on record or the parties to decide the said representation. There is no evidence on record to show that the Principal District Judge, called learned counsel for the plaintiff to the chambers. It is mentioned in the order that the

Junior Civil Judge, Chevella sent a letter and also referred the representation made by the learned counsel for the plaintiff.

11. In view of the above discussion, I find no illegality in the order passed by the Principal District Judge and also the action taken by the learned Junior Civil Judge. Therefore, this transfer petition is devoid of merits and the same is liable to be dismissed.

12. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. However, at the time of arguments, learned counsel for respondents 1 and 2 submitted before this Court that either the petitioners have to withdraw this petition against the judicial officers or the Court has to issue contempt proceedings for which the party-in-person submitted in the open Court that he will not withdraw the same and the Court may take any action against him.

13. In addition the Hon'ble Supreme Court in **Savitri Devi's** case observed that it is *high time that the practice of impleading judicial officers disposing of civil proceedings as parties to writ petitions under Article 226 of the Constitution of India or special leave petitions under Article 136 of the Constitution of India was stopped. We are strongly deprecating such a practice.* Further, in **Chetak Construction Ltd's** case, also the Hon'ble Supreme Court

observed that *we certainly, cannot approve of any attempt on the part of any litigant to go “forum-shopping”. A litigant cannot be permitted “choice” of the “forum” and every attempt at “forum-shopping” must be crushed with a heavy hand.*

14. In view of the observations made above, the Registry is directed to place the papers before the Hon’ble the Chief Justice for initiating further action against the revision petitioner No.1 who has appeared before this Court as party-in-person. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

K. SUJANA, J

Date : 02.05.2024

Rds

Note : L.R.Copy to be marked

Yes/No