



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3397]

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI
GOPALA KRISHNA RAO**

TRANS. CIVIL MISC.PETITION NO: 83/2026

Between:

1. BALUSU SRI RAM KUMAR,, S/O. LATE MALLIKARJUNA
RAO, AGED 38 YEARS, HINDU, BUSINESS, R/O.
SEETHAMPETA VILLAGE, DENDULURU MANDAL,
ELURU DISTRICT. (DEFENDANT)

...PETITIONER

AND

1. NAGA HANUMAN FEEDS, rep. by its Proprietrix Smt.
Nukala Ammaji, W/o. Rama Krishna, aged years, Hindu
Business, Muppavaram village, Denduluru Mandal, and
having its Registered Office at Dr.No.7B-15-45,
Maruthinilayam, Uppavari Veedhi, Eastern Street, Eluru
District. (Plaintiff)

...RESPONDENT

Petition Under Section 24 of the C.P.C. Praying that in the
circumstances stated in the affidavit filed therewith, the High Court
may be pleased to please to transfer the suit O.S.25/2022 on
the file of Hon'ble VIII Additional District Court-cum- Famil Court,
Eluru to the Commercial Courts, at Vijayawada as per Section

2(c) and Section 3 of Commercial Courts Act r/w. section 9 and O.VII, R.IO of CPC

IA NO: 1 OF 2026

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 grant stay of all further proceedings in O.S.25/2022 on the file of Hon'ble VIII Additional District Court-cum-Family Court, Eluru, pending disposal of my transfer petition

Counsel for the Petitioner:

1.K H V SIVA KUMAR

Counsel for the Respondent:

1.

The Court made the following:

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI
GOPALA KRISHNA RAO**

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 83/2026

ORDER:

The petitioner herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908 (for short, 'the C.P.C.'), seeking to transfer the O.S.No.25 of 2022, on the file of learned VIII Additional District Court-cum-Family Court, Eluru, and to transfer the same to the Court of the Commercial Courts, Vijayawada, for trial and disposal.

2. The case of the petitioner in brief is as follows:
 - I. The respondent herein is a manufacturer and supplier of fish feed of all varieties. The respondent filed a Civil Suit in O.S.No.25 of 2022 on the file of the learned VIII Additional District Court-cum-Family Court, Eluru, against the petitioner for recovery of Rs.2,76,75,548/-, on the ground of it being manufacturer supplied of floating feed i.e., 24/4 and 28/4 variety from 01.10.2019 to 31.03.2020 and from 24.05.2021 to 27.05.2021.
 - II. The petitioner further pleaded that being manufacturer and supplied floating feed to fishes of the petitioner/Defendant and as such the nature of the suit and transactions claimed

by the plaintiff are commercial in nature, but filed the suit for recovery of amount against the petitioner before the learned VIII Additional District Court-cum-Family Court, Eluru, which is against principles of Commercial Courts Act.

- III. The petitioner further pleaded that as per Section 2(c) and Section 3 of the Commercial Courts Act r/w Section 9 and Order VII Rule 10 of CPC, the learned VIII Additional District Judge-cum-Family Court, Eluru, has no jurisdiction to try the suit in O.S.No.25 of 2022 and the Commercial Courts only have the jurisdiction to resolve the dispute between the parties. The petitioner further pleaded that the dispute in between both the parties is a commercial dispute for more than Rs.1,00,00,000/- and as such, the petitioner is constrained to file this present petition.

3. Heard Mr.K.H.V.Siva Kumar, learned counsel for the petitioner. Though the notice was served on the respondent, none appeared for the respondent. Therefore, 'service is held sufficient'. Perused the material on record.

4. The material on record *prima facie* show that the report has been received from the Presiding Officer of the learned VIII Additional District Judge-cum-Family Court, Eluru, wherein it is narrated in detail that the present suit in O.S.No.25 of 2022 on the file of the learned VIII Additional District Judge-cum-Family Court, Eluru, is a transaction which involves a commercial dispute and the Civil Court has no jurisdiction.

5. On considering the said report and also considering the averments made in the affidavit filed by the petitioner, this Court is of the considered view that it is a fit case to allow the transfer civil miscellaneous petition, since the suit transaction which involves a commercial dispute and O.S.No.25 of 2022, on the file of learned VIII Additional District Judge-cum-Family Court, Eluru, is hereby withdrawn and transferred to the file of the Commercial Court, Vijayawada.

6. In the result, the transfer civil miscellaneous petition is **allowed**, and O.S.No.25 of 2022, on the file of learned VIII Additional District Judge-cum-Family Court, Eluru, is hereby withdrawn and transferred to the file of the Commercial Court, Vijayawada. The learned VIII Additional District Judge-cum-Family Court, Eluru, shall transmit the case record in O.S.No.25

of 2022, to the file of the Commercial Court, Vijayawada, as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim Order granted earlier, if any, shall stand closed.

JUSTICE V. GOPALA KRISHNA RAO

27.04.2026
LSP

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THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.83 of 2026

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LSP