

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Transfer C.M.P.No.478 of 2014
M.P.No.1 of 2014

K.Vijay

... Petitioner

Vs.

1. K.Rajkumar
2. K.Sampath Kumar
3. K.Ashok Kumar

... Respondents

Prayer : Transfer Petition is filed to withdraw the suit in O.S.No.51 of 2013, pending on the file of the District Munsif Court, Coonoor and to transfer the same to the file of the District Munsif Court at Coimbatore.

For Appellant : Mr.K.R.Ramesh Kumar

For Respondents: Mr.R.Sreerangan

J U D G M E N T

The plaintiff has come before this Court, by filing a petition to transfer the suit in O.S.No.51 of 2013, filed by him, before the District Munsif Court, Coonoor, on the ground that no advocate is coming to appear, on his behalf, as the father of the respondents, was a Senior Member of the Bar, till 2005.

2. In Paragraph 4 of the affidavit, filed in support of the Transfer Petition, it has been categorically stated that no practising Advocate, was willing to take up his case and he was compelled to engage his counsel from Coimbatore. Now the matter is posted for trial and therefore, he seeks transfer of the abovesaid suit, out of District Munsif Court, Coonoor.

3. It is also admitted in Paragraph 6 of the counter affidavit that the petitioner has engaged an Advocate from Coimbatore to institute the suit. When such is the admitted case, it may not be possible for the petitioner to conduct the case, in a peaceful atmosphere. Therefore, it is a fit case, to transfer the aboveaid suit, out of District Munsif Court, Coonoor.

4. Accordingly, the suit in O.S.No.51 of 2013, pending on the file of the District Munsif Court, Coonoor, is transferred to the District Munsif Court, Mettupalayam. The District Munsif Court, Coonoor, is directed to send the entire case bundle, to the District Munsif Court, Mettupalayam, within a period of one week, from the date of receipt of a copy of this order. The District Munsif Court, Mettupalayam, is directed to dispose of the same, within a period of three (3) months, from the date of receipt of the case bundle from the District Munsif Court, Coonoor.

5. With the above direction, this petition is ordered. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skm

To

1. The District Munsif,
Coonoor.

2. The District Munsif,
Mettupalayam.

+1cc to M/s. R.Sreerangan, Advocate, S.R.No.34834

+1cc to M/s. K.R. Ramesh Kumar, Advocate, S.R.No.34540

MP(CO)

EU(24/07/2015)

सत्यमेव जयते

Tr.C.M.P.No.478 of 2014

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