



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24-2-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.36 of 2015

M.Vijaya Boopathi

... Petitioner

Versus

K.S.Suresh

... Respondent

This petition is filed under Section 24 of C.P.C. to withdraw and transfer the suit in O.S.No.268 of 2014 on the file of the learned Subordinate Judge at Ranipet, Vellore District to the file of any other competent court outside Vellore District to try the same.

For Petitioner : Mr.N.S.Amarnath

For Respondent : Mr.T.P.Prabakaran

ORDER

The petitioner, who is claiming to be an editor, printer and publisher of weekly has come before this court seeking transfer of O.S.No.268 of 2014 filed by the respondent seeking damages of about Rs.1,01,000/- against the petitioner from the file of the Sub-Court, Ranipet to the file of any other competent court.

2. Apprehension of the petitioner is that the respondent is an Additional Government Pleader-cum-Additional Public Prosecutor of II Additional District and Sessions Court Ranipet. He further contended that there may not be any fair trial in the said Court. However, Mr.T.P.Prabakaran, learned counsel appearing for the respondent would oppose the prayer stating that two other suits are already pending against the petitioner and therefore, there is no necessity to transfer the case.

3. It is a fact that the respondent is an Additional Government Pleader-cum-Additional Public Prosecutor before the II Additional District and Sessions Court, Ranipet and in the same



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Court campus, where the Sub-Court is situated, in which the present proceedings are pending. The apprehension of the petitioner cannot be ignored or rejected and the parties should be allowed to face the trial only with the confidence that justice would be rendered.

4. Taking into consideration of the above said factual aspect, it is appropriate to withdraw and transfer the suit in O.S.No.268 of 2014 from the file of the Subordinate Judge, Ranipet to the Sub-Court, Arani for disposal on merits. The transfer petition is allowed. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To:

- 1.The Subordinate Judge, Ranipet.
- 2.The Subordinate Judge,Arani.

1 cc to Mr.T.P.Prabakaran, Advocate, sr. 10266

1 cc to Mr.N.S.Amarnath, Advocate, sr. 10071

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TEJ (CO)

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