



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

WEB COPY

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.83 of 2015

and M.P.No.1 of 2015

N.Gomathi

... Petitioner

Vs.

V.S.Selvakumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying, to withdraw the suit in O.S.No.169 of 2014 from the file of the Subordinate Court, Gudiyatham and transfer the same to the file of the Subordinate Court, Tiruppur.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.T.Dhanyakumar

O R D E R

The petitioner/defendant in O.S.No.169 of 2014 pending on the file of the Subordinate Court, Gudiyatham has come forward with this petition to transfer the same to the Subordinate Court, Tiruppur.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.Learned counsel for the petitioner/defendant submitted that the respondent as a plaintiff filed a suit in O.S.No.169 of 2014 for recovery of money due on a promissory note. He further submitted that the petitioner is residing at Tiruppur along with two female child and hence, it is very difficult for her to attend the Court at Gudiyatham on each and every hearing. He would also submitted that whenever she attend the Court at Gudiyatham, she had life threat and hence, she has given a complaint before the Superintendent of Police, Vellore. Hence, he pray for transfer of



4. Resisting the same, the learned counsel for the respondent filed a detailed counter and submitted that the suit promissory note has been executed at Gudiyatham, the petitioner's relatives are residing at Gudiyatham and the petitioner also possess property at Gudiyatham. He further submitted that one of the attester is the husband of the petitioner and other attestors are residing at Gudiyatham. He would also submit that the petitioner/defendant without filing written statement has filed this petition to transfer with a view to drag on the proceeding. He further submitted that even in the petition she has stated that on 17.12.2014 when the petitioner came to Gudiyatham she had life threat and she gave complaint. But she has not filed any document to show that complaint has been registered or receipt of the complaint. He also submit that the petitioner has stated that the Presiding Officer, Subordinate Court, Gudiyatham is also supporting the respondent/plaintiff, but the said Presiding Officer has already been transferred. Hence, he prayed for dismissal of the petition.

6. The respondent as a plaintiff filed a suit for recovery of money due on a promissory note dated 11.10.2013. According to the respondent, one of the attesters is the husband of the petitioner and other attesters are the natives of Gudiyatham. The suit has been filed in the year 2014. Written statement is yet to be filed. The allegation made against the Presiding Officer is concerned, already the said Presiding Officer has been transferred and so, that ground for transfer of the suit fails.

<https://hcservices.ecourts.gov.in/hcservices/>



8.Further, one of the attessor is the husband of the petitioner and other attestors are residing in Gudiyatham and cause of action also arose at Gudiyatham. Hence, I do not find any reason to transfer the suit in O.S.No.169 of 2014 from the file of the Subordinate Court, Gudiyatham to the file of the Subordinate Court, Tiruppur and the Transfer Civil Miscellaneous Petition deserves to be dismissed.

9.In the result, the Transfer Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cse

To

- 1.The Subordinate Court, Gudiyatham.
- 2.The Subordinate Court, Tiruppur.

1 cc to Mr.P.Valliappan, Advocate, sr. 66973
1 cc to Mr.T.Dhanyakumar, Advocae, Sr. 66993

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