



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.437 of 2014 and
M.P. (MD) .No. 1 of 2014

B. Lalithamani : Petitioner

Vs.

K. Maniraju : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the O.S.No.14 of 2013 on the file of the learned Principal District and Sessions Judge, karur to any of the same jurisdictional Court in Coimbatore.

For Petitioner : Mr. R. Sevugaraja
of M/s.Motherland Associates
For respondent : Mr. V. Balaji

O R D E R

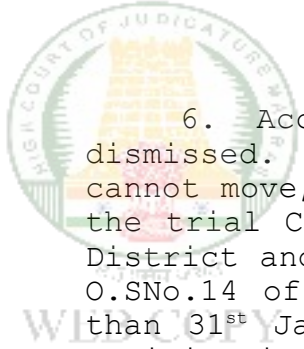
This petitioner has come up with the present petition to transfer O.S.No.14 of 2013 on the file of the learned Principal District and Sessions Judge, Karur, to any of the same jurisdictional Court in Coimbatore.

2. The petitioner is seeking transfer of the Suit in O.S.No.14 of 2013, on the ground that she is suffering from illness and she is overweight and she cannot move from the bed. Therefore, she cannot travel for the long distance from Coimbatore to karur, to attend the case. Hence, she has come out with the present Transfer Civil Miscellaneous Petition to transfer O.S.No.14 of 2013, on the file of the learned Principal District and Sessions Judge, Karur, to any of the same jurisdictional Court in Coimbatore.

3. The learned counsel for the respondent represented that the trial has already commenced on 19.01.2015. On the same date, the respondent filed proof affidavit and it was posted for cross examination on various dates. Subsequently, it is posted to 06.07.2015, for cross examination. He further represented that it is not correct to state, the petitioner is not keeping good health and cannot move from the bed. If, really the petitioner is suffering from illness, she can file a petition for appointment of Commissioner.

4. Heard the learned counsel appearing for the parties.

5. In view of the fact that the trial had already commenced and the suit is pending for cross examination, it is not a fit case for transferring O.S.No.14 of 2013 on the file of the learned Principal District and Sessions Judge, Karur, to any of the same jurisdictional Court in Coimbatore.



6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. If, really the petitioner is suffering from illness and cannot move, it is always open to the petitioner, to obtain an order from the trial Court, for appointment of Commissioner. The learned Principal District and Sessions Judge, Karur, is directed to dispose of the suit in O.SNo.14 of 2013, as expeditiously as possible, in any event not later than 31st January 2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Principal District and Sessions Judge, karur.

Copy to

The Sub Assistant Registrar (Judicial)
Judicial Department,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.MOTHER LAND ASSOCIATES, in SR.No. 30034

+1cc to MR.V.BALAJI, Advocate in SR.No. 29812

Trp

SM : 20.07.2015 : 2p/5c

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