



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.132 of 2015 and
M.P. (MD) .No. 1 of 2015

C. Srinivasan : Petitioner/Defendant

Vs.

1. V. Gopala Krishnan
2. Sankaranarayanan
3. Murali Krishnan
4. Vasuki
5. Prabhakaravarthini

: Respondents/Plaintiffs

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the suit in O.S.No.13 of 2015 on the file of Sub-Court, Uthamapalayam, Theni District and transfer the same to the file of Sub-court, Coimbatore.

For Petitioner : Mr. K. Guhan
For Respondents : Mr.P. Muthu Vijayapandian

O R D E R

The petition is filed to withdraw the suit in O.S.No.13 of 2015, on the file of Sub-Court, Uthamapalayam, Theni District to Sub-court, Coimbatore.

2. According to the petitioner, the Sub Court, Uthamapalayam has no territorial jurisdiction to entertain and try the suit. The transaction in respect of which the suit has been filed has taken place at Coimbatore and property leased out is situated at Coimbatore only. Further, the first respondent also residing at Coimbatore.

3. For the above reasons, the petitioner has come out with the present petition to transfer the suit in O.S.No.13 of 2015, from the file of Sub-Court, Uthamapalayam, Theni District to Sub-court, Coimbatore.

4. Heard the learned counsel for the parities.

5. The question of jurisdiction can be decided in the Trial Court only, if necessary, by recording evidence.

6. In the circumstances, the Transfer CMP is dismissed. It is open to the petitioner to raise question of jurisdiction before the Trial Court. If such issue is raised, the Trial Court is directed to decide as preliminary issue on merits. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-



/True Copy/

Assistant Registrar (AE)

Sub Assistant Registrar.

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To

1. The Sub judge, Uthamapalayam, Theni District
 2. The Sub-Judge, Coimbatore.
- +1CC to M/S.K.Guhan Advocate SR.No.41222
+1CC to M/S.P.Muthu Vijaya Pandian Advocate SR.No.41040

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GJM-19.8.15-2P-5C