

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.570 of 2014 and
MP.No.1 of 2014

1.S.Saroja
2.R.Santha Rao
3.R.Sowmya Rao
4.Sukanya Rao
5.R.Sandhya Rao

...Petitioners

versus

1.S.Gubendran
2.P.Pandi Durai
3.B.Priyadharshini
4.B.Hemadarshini
5.Umapathy

...Respondents

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw OS.No.320 of 2010 pending on the file of District Munsif of Madurantakam and to transfer the same to the file of City Civil Court at Madras.

For Petitioners : Mr.V.Raghavachari
For Respondents : Mr.K.Elango for R2

O R D E R

The petitioners filed a civil suit in O.S.No.320 of 2010 before the District Munsif Court at Madurantakam for the relief of declaration and injunction. The respondents were set ex parte. The second respondent alone was contesting the matter. According to the petitioners, there was an attempt at the instance of the second respondent to make the petitioners to withdraw the suit. The petitioners find it difficult to appear before the District Munsif Court at Madurantakam. The petitioners, therefore, seek an order for transfer of the proceedings to a Court at Chennai.

2. The learned counsel for the second respondent fairly submitted that without admitting the allegations made in Paragraph 4 of the transfer petition, the second respondent is agreeable for transfer of the proceedings from District Munsif Court, Madurantakam to the City Civil Court at Chennai.

3. The petitioners are residing at Bangalore. The petitioners filed the suit before the jurisdictional Munsif Court at Madurantakam. According to the petitioners, they had

to come from Bangalore to Madurantakam travelling about 400 kms. Since the petitioners are women, the second respondent has been making attempts to coerce them to arrive at a settlement. It was only under the said circumstances, the petitioners wanted transfer of the proceedings to a Court at Chennai.

4. In view of the grievance expressed by the petitioners and the consent given by the second respondent, the transfer petition deserves to be allowed.

5. The proceedings in O.S.No.320 of 2010 is withdrawn from the file of District Munsif Court, Madurantakam and is transferred to the file of City Civil Court, Chennai, for disposal on merits.

6. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

1.The District Munsif, Madurantakam

2.The Registrar, City Civil Court, Chennai

+ 1 cc to Mr.V. Raghavachari, Advocate Sr.62902

+ 1 cc to Mr.K. Elango, Advocate SR.62750

Transfer CMP No.570 of 2014

VD(CO)

EU 10.12.16

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