



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.312 of 2014

and

M.P(MD)No.1 of 2014

Vijayalalitha

... Petitioner

vs.

- 1) P.Siva Subramanian
- 2) S.Venkatesan
- 3) B.Andal
- 4) R.Vishalakshi
- 5) S.Thanasekaran
- 6) Ramasamy
- 7) G.Kannan @ Sanjeevinathan
- 8) V.Dhanapal
- 9) Mahalakshmi
- 10) R.Perumalsamy
- 11) S.Sethuraman
- 12) Kothai
- 13) R.Mahendra Kumar
- 14) R.Selvakumar
- 15) R.Saravanan

... Respondents

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and Transfer the suit in O.S.No.44/2007 from the file of Sub-Ordinate Court at Periyakulam to the Sub Ordinate Court at Madurai or any other competent Court to try the same.

For Petitioner : Mr.R.Ganesan
For R1, R2 & R9 : Mr.V.Janakiramulu

ORDER

This petition has been filed seeking to transfer O.S.No.44/2007 from the file of Sub-ordinate Court at Periyakulam to the Sub-ordinate Court at Madurai.

2.The learned counsel for the petitioner contends that the transfer petition is filed mainly on the ground that the 1st defendant's counsel is an influential person and Ex-Member of Parliament in Periyakulam Constituency. Further, he used to misrepresent and misguide the Court, which may lead to error of



judgment. This apart, the petitioner represents that two documents were missing in the Court file and that are to be traced out.

3. Learned counsel for the respondents 1, 2 and 9 opposed this petition, by stating that the grounds stated by the petitioner are not sound enough to transfer the case and in fact, the present petition is filed mainly, by stating that the trial Court was acting in a biased manner and treated the plaintiff in an indifferent manner. Such an allegation cannot be entertained, in the absence of any proof. Further, vague allegations in the transfer petition need not be considered and the transfer petition is liable to be dismissed.

4. Heard both sides.

5. The allegations set out in the present petition for transfer, are not substantiated by the petitioner and in fact, a mere statement that the trial Court had acted in a biased manner, cannot be accepted and furthermore, it is represented by the respective counsels that the judicial officer, against whom allegations are made, is not presently working in the same Court and already three Judicial Officers had been transferred and the allegations do not survive as on today. In any event, such vague allegations cannot be entertained by this Court.

6. In view of the facts and circumstances of the present case, the present transfer petition deserves no consideration and devoid of merits and accordingly dismissed. No costs. Consequently, M.P (MD) No.1 of 2014 is closed.

Sd/-
Assistant Registrar(crl)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Periyakulam.

nbi
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TR.CMP (MD) No.312 of 2014