



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN
Tr.C.M.P. (MD)No.447 of 2015
and M.P. (MD)No.1 of 2015

1.Muniammal
2.Krishnaveni

... Petitioners

Vs.

1.Meenatchi
2.Rani
3.Minor Nothikumari
4.Minor Tamilselvi
5.Lakshmi
6.Parvathi
7.Minor Mariselvan
8.Murugan

... Respondents

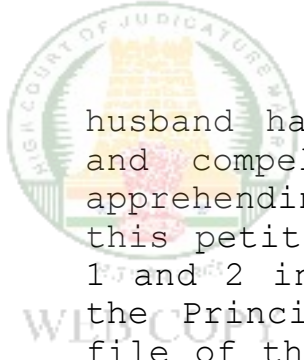
Prayer: Petition is filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.29 of 2014 from the file of the Principal Sub Court, Ambasamuthiram and transfer the same to the file of the Principal Sub Court, Tirunelveli.

For Petitioners : Mr.N.Rahamadullah
For Respondents : Mr.C.Saravanan for R1
Mr.S.Kirubaharan for R2 to R5 and R7
M/s.S.Bramma Nayagi for R8
No appearance for R6

ORDER

Seeking the relief of withdrawal of O.S.No.29 of 2014 from the file of the learned Principle Subordinate Judge, Ambasamuthiram and transfer the same to the file of the learned Principal Subordinate Judge, Tirunelveli, this petition is filed under Section 24 of Civil Procedure Code by the petitioners, who are the defendants 1 and 2 in O.S.No.29 of 2014.

2.It is manifest from the records that the 1st respondent / plaintiff has filed the above said suit on the file of the Principal Sub Court, Ambasamuthiram, seeking the relief of partition of 1/6th share and also for permanent injunction against the other defendants, including the petitioners herein. The defendants have filed their written statement and now the suit stands posted for trial. Under these circumstances, this petition is filed, seeking transfer of the above said suit saying that the 1st respondent / plaintiff had taken personal vengeance against the petitioners and other defendants because of their non-cooperation. It is also stated that the 1st respondent / plaintiff and her



husband had been threatening the petitioners and the defendants and compelling them to sail along with them and therefore, apprehending danger at the hands of the 1st respondent / plaintiff, this petition is filed by the petitioners, who are the defendants 1 and 2 in the suit, to withdraw the said suit from the file of the Principal Sub Court, Ambasamuthiram and to transfer to the file of the Sub Court, Tirunelveli. Now all the respondents 2 to 5, 7 and 8 have filed their respective counter affidavits.

3.The learned counsel appearing for the respondents 2 to 5, 7 and 8 have submitted that based on the threat made by the 1st respondent / plaintiff, the 5th respondent has lodged a complaint before Alwarkurichi Police Station and based on that complaint, a case in Crime No.159 of 2014 was registered and now it is pending investigation. Under these circumstances, the learned counsel for the 1st respondent / plaintiff has no objection to transfer the suit from the file of the Principal Sub Court, Ambasamuthiram.

4.Mr.N.Rahamadullah, learned counsel appearing for the petitioners has also submitted that in order to take a better decision in the suit, it might be withdrawn from the file of the Principal Sub Court, Ambasamuthiram and transfer the same to the Sub Court, Tirunelveli. But, the learned counsel for the 1st respondent has submitted that in stead of transferring the suit to the file of the Sub Court, Tirunelveli, it might be transferred to the file of Sub Court at Thenkasi. The learned counsels appearing for the respondents 2 to 5, 7 and 8 have conceded for this.

5.Under these circumstances, keeping in view of the suggestions made by the learned counsels appearing for the parties to the petition , this Court finds that this petition deserves to be allowed.

6.Accordingly, the petition is allowed and the suit in O.S.No.29 of 2014 is ordered to be withdrawn from the file of the learned Principal Subordinate Judge, Ambasamuthiram and transferred to the file of Principal Subordinate Judge, Thenkasi for disposal in the manner known to law.

7.The learned Principal Subordinate Judge, Thenkasi is directed to dispose the above said suit as expeditiously as possible preferably within a period of 3 months from the date of receipt of a copy of this order. No order as to costs. Consequently, connected M.P.is closed.

Sd/-

Assistnt Registrar(CS-I)

/True copy/



nbj

To

1.The Principal Subordinate Judge, Ambasamuthiram.

2.The Principal Subordinate Judge, Tirunelveli.

3.The Principal Subordinate Judge, Tenkasi.

+1cc to Mr.Rahamathulla,Advocate SR No.1748

Tr.C.M.P. (MD) No.447 of 2015
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