



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P(MD)No.199 of 2016
and
CMP.(MD)No.3652 of 2016

Amutha

: Petitioner

Vs.

S.Subbaiah

: Respondent

Prayer: This petition is filed Section 24 r/w 151 of the Code of Civil Procedure to withdraw the case in O.S.No.50 of 2013 on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the Sub Court, Thanjavur District or any other competent court as may be fixed by this court.

For Petitioner : Mr.K.Prabhu

For respondent : Mr.B.Muruganandam

O R D E R

This petition has been filed to withdraw the suit O.S.No.50 of 2013 on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to Sub Court, Thanjavur District or any other competent court.

2.The learned counsel appearing for the petitioner would submit that the petitioner was not aware of the respondent and while she was borrowing Rs.10 Lakhs from one Veeramuthu, she was requested to execute a mortgage deed, but they got the signature in the sale deed as if she has agreed to sell the property to the respondent. It is further submitted that immediately, she lodged a complaint against the respondent, which stands registered in Crime No.90 of 2010 under Sections 420 and 471 of IPC. The respondent also filed a civil suit for specific performance and when she appeared before the civil court, she was threatened by unknown persons stating that unless she executed a sale deed, she will be murdered. In the above circumstances, the suit has to be transferred to Sub Court, Thanjavur or any other competent court in Thanjavur District.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Per contra, the learned counsel appearing for the respondent would submit that the suit was filed based on the



registered sale agreement, dated 12.04.2011, in which the husband of the petitioner has signed as a witness. It is further submitted that the petitioner and the respondent are the residents of Devakottai and when the suit is posted in the special list, this petition is filed without any substance.

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4. Heard the rival submissions and perused the materials available on record.

5. It is seen from the records that the respondent filed the suit before the Subordinate Judge, Devakottai on 11.06.2013 against the petitioner for specific performance, in which the petitioner filed her written statement through an Advocate on 29.01.2004. It is also seen from the records that immediately after filing the suit, a criminal case was registered against the respondent on the allegation on cheating and forgery. However, the present application is filed with bald allegation stating that when she appeared before the civil court, she was threatened by unknown persons for execution of the sale deed.

6. As rightly contended by the learned counsel appearing for the respondent, the petitioner has not produced any material to substantiate her allegations.

7. In view of such matter, this court does not find any merit in this petition.

8. In fine, this petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To,

1. The Subordinate Judge, Devakottai.
2. The Subordinate Judge, Thanjavur, Thanjavur District.

+2 cc to M/s.K.Prabhu, Advocate in SR.No.30537 & 19733/16

+1 cc to M/s.B.Muruganandam, Advocate in SR.No.30625/16

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CSL/NGM-MP/28.06.2016 :2P/6C

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