



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.11.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAMTR.C.M.P(MD)No.403 of 2016andC.M.P(MD)No.7807 of 2016

Kannan

... Petitioner/Defendant

Vs.

M.Karuppasamy

... Respondent/Plaintiff

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw the case in O.S.No.124 of 2014 on the file of the Sub-Court, Aruppukkottai, Virudhunagar District and to transfer the same to any other competent Court situated in Madurai District or other neighbouring Districts of Virudhunagar District.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.V.Sasikumar

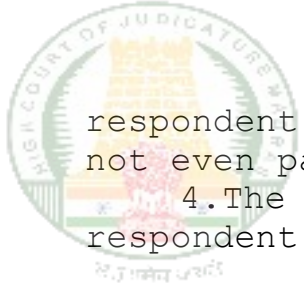
ORDER

The present petition is filed seeking to withdraw the case from the file of the Sub-Court, Aruppukkottai, Virudhunagar District in O.S.No.124 of 2014 and transfer the same to the file of any other competent Court situated in Madurai District or other neighbouring Districts of Virudhunagar District.

2.The facts of the case in nutshell, as narrated in the petition are as follows:

The respondent herein filed a money suit against the petitioner to recover the loan amount in O.S.No.124 of 2014 on the file of the Sub-Court, Aruppukkottai, Virudhunagar District. The petitioner has stated that the respondent, who filed the suit, along with his relative, is attempting to grab the house of the petitioner and therefore, the petitioner lodged a complaint with the Taluk Police station at Aruppukkottai and the respondent is having money and muscle power and therefore, the police had not initiated any action on the complaint and his further pleading is that there is life threat to the petitioner, if he attends the Court at Aruppukkottai.

3. The learned counsel for the respondent contended that the petition by the petitioner is not maintainable, when there is no ground for transfer has been made out and mere apprehension is not sufficient to order the transfer of the case. Further, the



respondent is no way connected with the criminal case and he is not even party to that case.

4. The respective counsels both for the petitioner and the respondent are heard.

5. Considering the rival contentions of both the learned counsel for the petitioner and the respondent, this Court is of the clear opinion that no meaningful ground has been raised by the petitioner for considering the case of transfer and the same was filed before the appropriate Court having jurisdiction over the cause of action, the present Transfer Civil Miscellaneous Petition deserves no consideration and accordingly, the same is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Sub-Court, Aruppukkottai,
Virudhunagar District.

+One cc to Mr.V.Sasikumar, Advocate, SR.No.67787

+One cc to Mr.R.Murugappan, Advocate, SR.No.67505

pm

RL/4C/2P/KM/22.11.2016

TR.C.M.P. (MD) No.403 of 2016 (2/2)

09.11.2016