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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P(MD)No.89 of 2016

C.Rajendran ... Petitioner/Plaintiff

Vs.

P.Durairaj ... Respondent/Defendent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the Suit in O.S.No.346 of 2015 from the 1st Additional District Munsif, Nagercoil and transfer the same to the District Munsif, Valliyur, Tirunelveli District.

For Petitioner : Mr.C.K.M.Appaji

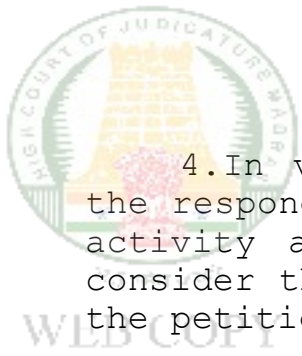
For Respondent : Mr.V.Palani for Mr.T.Selvakumaran

ORDER

The present petition for transfer is filed by the petitioner is to transfer the suit in O.S.No.346 of 2015 from the file of I Additional District Munsif, Nagercoil to the District Munsif, Valliyoor.

2.The contention of the petitioner is that he is the owner of the house property comprised in R.S.No.399/5, Old Survey No.12606, Neendakarai B Village, Agastheeswaram Taluk, Kanyakumari District to an extent of 5.250 cents. The property dispute between the petitioner and respondent culminated in filing of O.S.No.346 of 2015 before the I Additional District Munsif Court, Nagercoil for permanent injunction. The only contention raised by the learned counsel for the petitioner for transfer is that the petitioner is a practising advocate at Nagercoil and also the Key Office Bearer of the Bar Association, Nagercoil.

3.The learned counsel for the respondent fairly conceded that the respondent will not indulge in threatening the petitioner and he will cooperate for the peaceful conduct of the case before the District Munsif Court, Nagercoil.



4. In view of the assurance given by the learned counsel for the respondent that the respondent will not indulge in any adverse activity against the petitioner, this Court is not inclined to consider the case of the petitioner. Further, the ground raised by the petitioner is also not sound enough to transfer the case.

5. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs.

Sd/
Assistant Registrar (C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Ist Additional District Munsif, Nagercoil.

+1cc to M/s.C.K.M.Appaji, Advocate, in SR No.65783.

+1cc to M/s.T.Selvakumaran, Advocate, in SR No.65349.

Tr.C.M.P (MD) No.89 of 2016
03.11.2016

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