

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.201 & 202 of 2014
and M.P.Nos.1 and 1 of 2014

C.Nagammal ... Petitioner in both Tr.CMP.s

Versus

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

4.The Tahsildar,
Chengam Taluk Office,
Chengam Taluk,
Thiruvannamalai District.

5.K.B.Ambedkar

6.K.B.Inbabava

7.K.B.Karalmarx

8.K.B.Bernadsha

9.K.B.Amensen

10.K.B.Meena (alias) Pathi ... Respondents in Tr.CMP.No.201 of 2014

- 1.K.B.Ambedkar
- 2.K.B.Inbabava
- 3.K.B.Karalmarx
- 4.K.B.Bernadsha
- 5.K.B.Amensen
- 6.K.B.Meena (alias)Pathi
- 7.C.Thirupathi
- 8.C.Vediyappan
- 9.C.Sundaram

..Respondents in Tr.CMP.No.202 of 2014

Prayer in Tr.CMP.No.201 of 2014: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.201 of 2012 on the file of Additional Sub Court, Thiruvannmalai, and transfer the same to Subordinate Judge, Kanchipuram.

Prayer in Tr.CMP.No.202 of 2014: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.9 of 2012 on the file of Additional Sub Court, Thiruvannmalai, and transfer the same to Subordinate Judge, Kanchipuram.

Tr.C.M.P.No.201 of 2014

For Petitioner : Mr.S.Parthasarthy
Senior Counsel for Mr.P.G.Thiyagu
For R1 to R4 : Mr.Venugopal
Special Government Pleader (CS)
For R5 : Mr.V.Karthik,
Senior Counsel
for M/s.T.S.Gopalan and Co
For R6 to 10 : Served-No Appearance

Tr.C.M.P.No.202 of 2014

For Petitioner : Mr.S.Parthasarathy,
Senior Counsel for
Mr.P.G.Thiyagu
For Respondent-1: Mr.V.Karthick, Senior Counsel
for M/s.T.S.Gopalan and Co
For Respondents 2 to 9: Served-Appearance

COMMON ORDER

The petitioner has filed the above transfer miscellaneous petitions seeking withdrawal of O.S.No.201 of 2012 and O.S.No.9 of 2014 pending on the file of the Additional Sub Court, Tiruvannamalai and transfer the same to Sub Court, Kancheepuram.

2. In paragraph 20 of the affidavit filed in support of the petitions, it is stated that the fifth respondent in Tr.C.M.P.No.201 of 2014 and the first respondent in Tr.C.M.P.No.202 of 2014 resisted the petitioner from appearing before the Court by spreading the news that she had preferred the suits and criminal cases against him, who is an Advocate. It is stated further that in view of the resistance by the fifth respondent in Tr.C.M.P.No.201 of 2014 and others, she is unable to proceed with the suits. Hence, she sought for transfer to Sub Court, Kancheepuram.

3. Heard both the parties and perused the materials available on record.

4. Learned counsel for the respondents vehemently opposed

the above transfer stating that already a transfer was sought for by the very same petitioner before the District Court, Tiruvannmalai, in which, an order came to be passed on 29.10.2013, transferring the suit in O.S.No.116 of 2012 on the file of the Principal District Munsif, Chengam to Sub Court, Tiruvannamalai. It is also stated that while passing orders in W.P.No.11765 of 2015 on 16.09.2015, this Court had directed the Sub Court, Tiruvannamalai to dispose of O.S.No.201 of 2012 within a period of nine months. Therefore, the learned counsel appearing for the respondents vehemently opposed the transfer, as the same would cause inconvenience to the respondents in prosecuting the case.

5. Learned Special Government Pleader appearing for respondents 1 to 4 in Tr.C.M.P.No.201 of 2014 represented that he will not have any objection, if the transfer is within the same District.

6. After deliberations, all the counsels agreed for the suits to be transferred to Sub Court, Tirupattur, Vellore District.

7. Considering the submissions made by the learned counsels, this Court is of the view that O.S.No.201 of 2012 and O.S.No.9 of

2014 pending on the file of the Additional Sub Court, Tiruvannamalai shall be transferred to the Sub Court, Tirupattur, Vellore District.

8. Accordingly, the Tr.C.M.Ps are allowed and O.S.No.201 of 2012 and O.S.No.9 of 2014 pending on the file of the Additional Sub Court, Tiruvannamalai are ordered to be withdrawn and transferred the same to the Sub Court, Tirupattur, Vellore District. On such receipt of the material papers, the learned Sub Judge, Tirupattur is directed to dispose of the suits in O.S.No.201 of 2012 and O.S.No.9 of 2014 as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

20.11.2017

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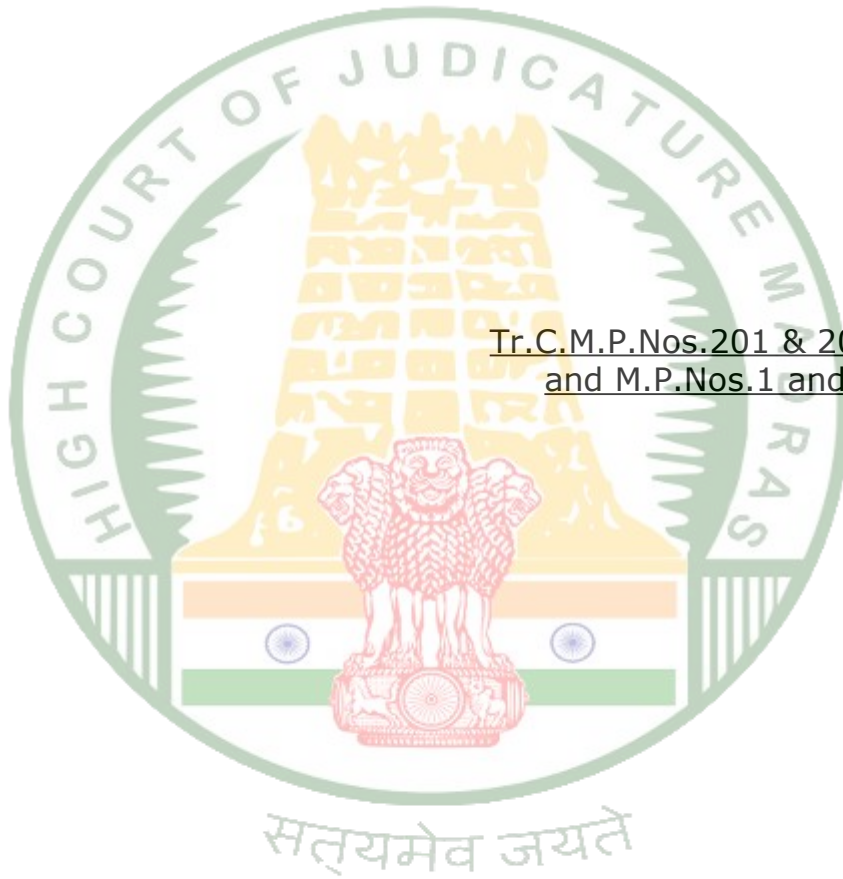
To

1. The Sub Judge, Tirupattur, Vellore District
2. The Additional Sub Judge, Tiruvannamalai

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PUSHPA SATHYANARAYANA, J.

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and M.P.Nos.1 and 1 of 2014

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