

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.237 of 2017

&

C.M.P.No.4259 of 2017

K.Subash ... Petitioner(Plaintiff)

Vs.

S.Sriramulu ... Respondent(Defendant)

Prayer: Petition has been filed under Section 24 of C.P.C. Praying to withdraw and transfer the proceedings in O.S.No.60 of 2012 on the file of the District Munsif Court, Sholinghur, to the City Civil Court, Chennai or to any other court of competent jurisdiction.

For Petitioner : Mr.D.Saikumaran

ORDER

The petition has been filed to withdraw and transfer the suit in O.S.No.60 of 2012 pending on the file of the District Munsif Court, Sholinghur, to the file of the City Civil Court, Chennai.

2. The petitioner is the plaintiff and the respondent is the defendant in O.S.No.60 of 2012. The petitioner filed a suit for declaration and permanent injunction restraining the respondent herein his men and agent from interfering with the petitioner's peaceful possession and enjoyment of the suit property. The respondent filed his written statement on 20.09.2012 and is contesting the suit. The said suit was posted on 06.03.2017 for filing proof affidavit on behalf of the petitioner.

3. According to the petitioner, he has shifted his residence from Narasingapuram Village, Arakkonam Taluk to Arumbakkam and now, he is residing with his son. The petitioner and his wife are having serious ailments and therefore, he is not able to travel from Arumbakkam to Sholinghur Court to attend the case. Hence, the petitioner has come out with the present Tr.C.M.P.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The suit is filed in the year 2012 and posted for filing proof affidavit of the petitioner and at this stage, the petitioner came forward with this petition to transfer the case from the District Munsif Court, Sholinghur to the City Civil Court, Chennai. The petitioner has taken number of adjournments for conducting the Tr.CMP. and that the reasons given by the petitioner for transferring the case are not valid. Therefore, this Tr.CMP is dismissed. No costs. Consequently, connected C.M.P. is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Munsif,
Sholinghur.
- 2.The City Civil Court,
Chennai.

+lcc to Mr.D.Saikumaran, Advocate, S.R.No.23608

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SV(CO)
CA(12/05/2017)

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