

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.445 of 2017

and C.M.P.No.9103 of 2017

V.Lakshmanan

... Petitioner

Vs.

1.Renuka Lakshmi
2.Vijayagopal Rao
3.Dhanraj N Kochar

... Respondents

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.215 of 2011 pending on the file of the Principal District Court, Chengalpattu and transfer the same to the file of any other District Court.

For Petitioner : Mr.S.Annamalai

For R3 : Mr.V.V.Sathya
for M/s.M.V.Venkateseshan

O R D E R

This petition is filed to withdraw O.S.No.215 of 2011 pending on the file of the Principal District Court, Chengalpattu and transfer the same to the file of any other District Court.

2.The petitioner has filed O.S.No.215 of 2011 on the file of the Principal District Court, Chengalpattu against the respondents for redemption of mortgage. The respondents 1 and 2 remained exparte. The third respondent is contesting the suit. Trial commenced and petitioner was examined as P.W.1.

2(a).According to the petitioner, the third respondent having money and muscle power, threatened the petitioner and tried to prevent him from attending the Court proceedings.

Inspite of the same, the petitioner is attending Court proceedings and has given evidence. The petitioner has stated that after his evidence was closed, the Presiding Officer allowed the petition filed by the third respondent for further cross examination of the petitioner by third respondent. The counsel for the third respondent put irrelevant questions and Presiding Officer was insulting the petitioner and interpreting him while he was answering the question. At the time of filing of the suit, the petitioner was residing and carrying on real estate business at Chennai. Due to slump in real estate business, he left Chennai and is residing in Karaikudi.

2(b).For the above reasons, the petitioner has sought for transferring O.S.No.215 of 2011 pending on the file of the Principal District Court, Chengalpattu to any other District Court.

3.The learned counsel for the third respondent filed counter affidavit and denied various allegations made against the third respondent. The learned counsel for the third respondent contended that allegations made against the Presiding Officer are baseless and no such incident happened during cross examination of petitioner. Both the petitioner and third respondent are residing in Chennai and third respondent has no objection for the suit being transferred to Chennai.

4.Heard the learned counsel for the petitioner as well as third respondent and perused the materials available on record.

5.At the time of hearing, the learned counsel for the petitioner withdrew the allegations made against the Presiding Officer and put forth other reasons given by the petitioner for transfer and made and endorsement to that effect. At present, the petitioner is seeking transfer on the ground that third respondent is threatening him and he is trying to prevent him from attending the Court proceedings. He also stated that third respondent is using money and muscle power.

6.Considering these averments and the contention of the petitioner that he is now residing at Karaikudi, in the interest of justice and convenience of both the parties, the Transfer Civil Miscellaneous Petition is ordered. The suit in O.S.No.215 of 2011 is ordered to be withdrawn from the file of the Principal District Court, Chengalpattu and transferred to the file of the District Court, Villupuram. The learned Principal District Judge, Chengalpattu, is directed to transmit all the records pertaining to O.S.No.215 of 2011 to the file of the District Court, Villupuram within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Principal District Judge, Villupuram is

directed to issue notice to the parties to hear and proceed with further trial and dispose of the suit as expeditiously as possible, in any event, not later than four months thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gsa

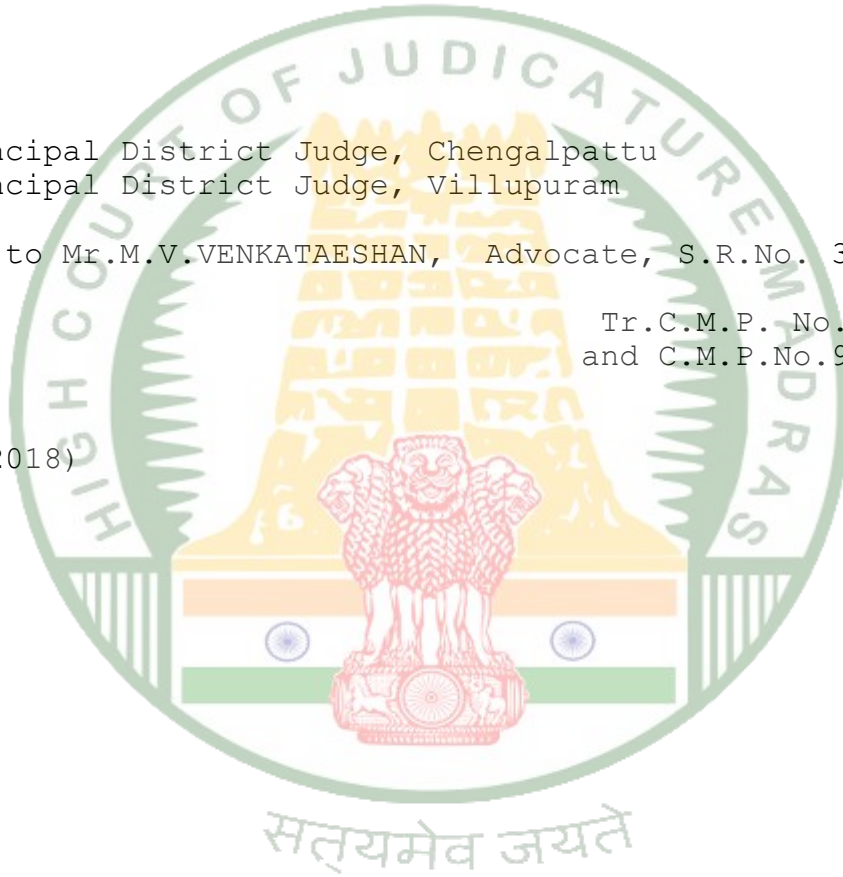
To

- 1.The Principal District Judge, Chengalpattu
- 2.The Principal District Judge, Villupuram

+1cc to Mr.M.V.VENKATAESHAN, Advocate, S.R.No. 36140

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TR(25/06/2018)



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