

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.769 of 2017
and C.M.P.No.15657 of 2017

K.Manjula

.. Petitioner

Vs.

A.Ravi

.. Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.95 of 2013 pending on the file of the Sub Court, Cheyyar and transfer the same to the file of the Sub Court, Poonamallee.

For Petitioner : Mr.G.Poonkundran

For Respondent : Mr.S.Makesh

ORDER

The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.95 of 2013 pending on the file of the Sub Court, Cheyyar to Sub Court, Poonamallee, alleging bias on the Presiding Officer, stating that the Presiding Officer ill-treated the petitioner and discouraged her in the open Court. She further contended that her counsel appearing before the Sub Court, Cheyyar and counsel for the respondent are colluding and her counsel is not conducting the case properly and not even informing her the stage of the case.

3.The learned counsel for the respondent submitted that the then Presiding Officer has been transferred and new Presiding Officer has taken charge in the Sub Court at Cheyyar.

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

5.The grievance of the petitioner is that the Presiding Officer is biased and he is ill-treating the petitioner and discouraging her in the open Court. On the other hand, the contention of the learned counsel for the respondent is that the then Presiding Officer is transferred and there is no valid reason now for transferring H.M.O.P.No.95 of 2013 from the file

of the Sub Court at Cheyyar to some other Court has considerable force.

5(a).The next contention of the learned counsel for the petitioner that her Advocate is colluding with the Advocate of the respondent and he is not conducting the case properly is not a valid ground for transfer. In such circumstances, it is open to the petitioner to engage some other Advocate and conduct the case.

6.In the result, as the petitioner has not made out any case for transfer, the present Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
Family Court, Chennai.

2. The Subordinate Judge,
Cheyyar.

+1cc to Mr.S.Makesh, Advocate sr.no.36325

+1cc to Mr.G.Poonkundran, Advocate sr.no.36389

सत्यमेव जयते

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