

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.142 of 2018

and C.M.P.No.3813 of 2018

S.K.Sampath ... Petitioner

Vs.

M.Kathirvel ... Respondent

Petitions filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.8 of 2014 filed by the respondent on the file of the Sub Court, Karur and transfer the same to the file of the District Judge, Puducherry.

For Petitioner : Mr.R.Karunagaran

O R D E R

The petitioner herein, who is the defendant in a suit for recovery of money based on a promissory note, has filed this Transfer Civil Miscellaneous Petition.

2. The suit was filed by plaintiff in O.S.No.8 of 2014 on the file of the District Court, Karur. The petitioner/defendant has filed his written statement as early as on 23.03.2015 and in the year 2017, he filed an application for rejection of the plaint, which is also pending for orders.

3. There is also a Power of Attorney dated 26.10.2004 executed by the petitioner in favour of one Sabapathy to conduct the suit on his behalf. While so, this petition now filed seeking for transfer on the ground that the petitioner is above 80 years and he finds it very difficult to travel to Karur to contest the case.

4. Admittedly, the trial has not yet commenced in the suit. The application for rejection of plaint is also pending and the petitioner is prosecuting the same through his Power of Attorney. Therefore, the reasons given in paragraph 3 of the affidavit that he has to travel from Karur to Puducherry for every hearing is not acceptable.

5. Accordingly, the Tr.C.M.P is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

To

1 The District Court, Karur

2 The Subordinate Court, Karur

+1 CC to Mr.R.Karunakaran Advocate Sr.No.16157

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KP(23/03/2018)

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