

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.389 of 2018
and C.M.P.No.10334 of 2018

1.S.K.Mohanavalli
2.V.R.Viswanathan

... Petitioners/Plaintiffs 4 & 5

Vs.

1.M.Jaya @ Jayakumari
2.Kanthimathi
3.Muthuramalingam
4.Jayalakshmi

...Respondent/Plaintiff

... Respondents 2 to 4/Defendants 1 to 3

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.132 of 2015 pending on the file of the Principal District and Sessions Court, Thanjavur and transfer the same to the file of the Additional City Civil Court, Chennai.

For Petitioner : Mr.R.Chandrasudan

O R D E R

This petition is filed to withdraw O.S.No.132 of 2015 pending on the file of the Principal District and Sessions Court, Thanjavur and transfer the same to the file of the Additional City Civil Court, Chennai.

2.The petitioners are defendants 4 and 5, first respondent is plaintiff, respondents 2 to 4 are defendants 1 to 3 in O.S.No.132 of 2015 on the file of the Principal District and Sessions Court, Thanjavur. The first respondent filed said suit for partition and separate possession claiming 1/5th share in the suit property. According to the petitioners, first respondent claims to be the daughter of the first petitioner's husband and claim of the first respondent is not correct. The petitioners have filed written statement and are contesting the suit. The trial commenced and evidence on behalf of the first respondent is over. The petitioners are seeking transfer on the ground that the first respondent and her husband are politically influential persons in Thanjavur and have contact with rowdy elements. There will be life threat to the first petitioner, if she goes to

attend the hearing at Thanjavur.

3.Heard the learned counsel for the petitioners and perused the materials available on record.

4.From the averments made in the affidavit filed in support of this Transfer Petition, it is seen that the petitioners are seeking transfer on apprehension that there will be life threat to the first petitioner, if she goes to Thanjavur to attend the hearing, due to political influence of the first respondent and her husband. On mere apprehension, the suit cannot be transferred from one Court to another. In the present case, trial commenced and evidence on behalf of the first respondent is over and at that stage, the petitioners have come out with the present Transfer Petition. The petitioners have not made out any case for transfer.

5.Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

The Principal District and Sessions Judge, Thanjavur.

+1 CC to Mr.R.Chandrasudan, Advocate sr 39770.

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GSP(18/07/2018)

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