

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.458 of 2018
and C.M.P.No.11664 of 2018

1.B.Dhatchayini
2.K.Baby

... Petitioners

Vs.

1.M.Purushothaman
2.M.Krishnamoorthy
3.M.Ashok Kumar
4.Shankari
5.Lilli @ Nalini

6.The Sub-Registrar
Thiruvallur.

... Respondents

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.38 of 2014 pending on the file of Principal District Court, Thiruvallur and transfer the same to the file of Additional Principal District Court, Chengalpet.

For Petitioner : Mr.R.Balasubramanian for
Mr.T.M.Kannan

O R D E R

This petition is filed to withdraw O.S.No.38 of 2014 pending on the file of Principal District Court, Thiruvallur and transfer the same to the file of Additional Principal District Court, Chengalpet.

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

3.The petitioners are plaintiffs and respondents are defendants in O.S.No.38 of 2014 on the file of Principal District Court, Thiruvallur. The petitioners filed said suit for partition and permanent injunction. The respondents are contesting the suit by filing written statement. Suit is now posted for cross-examination of respondents' witness. At this stage, petitioners have come out with the present Transfer Petition for transfer of O.S.No.38 of 2014 pending on the file of Principal District Court, Thiruvallur, to the file of

Additional Principal District Court, Chengalpet, on the ground that Mohan Ram, the counsel appearing for the respondents/defendants now became an Additional Public Prosecutor in the same Court and he is having nexus and the petitioners apprehend that he may directly or indirectly influence on the judiciary even though they have immense faith in judiciary. To avoid such doubt of cloud, the petitioners are seeking transfer of O.S.No.38 of 2014 pending on the file of Principal District Court, Thiruvallur to the file of Additional Principal District Court, Chengalpet. The reasons given by the petitioners are not valid grounds for transfer.

4.A suit cannot be transferred on mere apprehension of petitioners that the Presiding Officer may be influenced directly or indirectly by the counsel for respondents, who has now become Additional Public Prosecutor in the very same Court. The suit is at the advance stage of trial i.e. posted for cross-examination of witnesses of respondents. The Transfer Civil Miscellaneous Petition is dismissed as reasons given by the petitioners are not valid reasons. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

The Principal District Judge, Thiruvallur.

+1 CC to Mr.T.M.Kannan, Advocate sr 46480.

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SP(06/08/2018)

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