

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.504 of 2013

and M.P.No.1 of 2013

1. R. Kethsi Bai
2. J. Roby
3. R. Aniteen Princey ... Petitioners

versus

1. R. Anetter Allwyn
2. R. Anetta Marginic
3. T. Thangaleela
4. J. Lawrence Packiasingh
5. S. Raja
6. K. Kumaran @ Kumaran Karthikeyan
7. P. Daphini Suganya Respondents

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw O.S.No.79 of 2013 pending on the file of the learned District Judge of Kanyakumari at Nagercoil and transfer the same to the file of the learned District Judge of Chennai or any other appropriate Court at Chennai.

For Petitioners : Mr.K.Thilageswaran
For R1 : Mr.G.Asokapathy
for M/s.Pass Associates
For RR 2,3,4 & 5 : Served - No appearance
For R6 : Mr.N.Muthukumaran
For R7 : Mr.K.Moorthy

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O R D E R

The transfer petition is filed seeking transfer of O.S.No.79 of 2013 filed by the first respondent herein, pending on the file of District Court, Kanyakumari at Nagercoil and transfer the same to the file of District Court, Chennai.

2. In the grounds set out in the affidavit filed in support of the petition, it is stated that the first respondent, who is the plaintiff has influence over the Bar and the petitioners herein are unable to engage a counsel in Nagercoil. It is also stated that there has been a brutal attack by the respondents on the petitioners. Though it is

stated that the second petitioner is the necessary party to the suit, it is stated that he is now dead. Excepting the fact that the plaintiff is the practicing advocate at Nagercoil, there is no other reason mentioned in the affidavit. Admittedly, the subject matters in the suit are situated both in Kanyakumari and Kancheepuram Districts.

3. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents. The learned counsel appearing for the respondents agreed for transfer to any of the District Courts at Thirunelveli or Tuticorin.

4. Considering the fact that properties are situated in Kanyakumari and the allegations made in the affidavit, this Court is of the opinion that it may be transferred to a Court, where both the parties will not have any connections. Accordingly, District Court, Thirunelveli will be the Court best suited for both the parties as even transmission of the papers will be easy.

5. Accordingly, the Transfer Civil Miscellaneous petition is disposed of and O.S.No.79 of 2013, pending on the file of District Court, Kanyakumari at Nagercoil is withdrawn and transferred to the file of District Court, Thirunelveli. The parties are directed to cooperate for the disposal of the O.S. as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The District Judge,
Kanyakumari, Nagercoil District.
2. The District Judge,
Thirunelveli.

+1cc to Mr.K.MOORTHY, Advocate, S.R.No. 19992

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PA(CO)
TR(02/04/2018)