

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.12.2018

Coram

THE HON'BLE MR. JUSTICE R. PONGIAPPAN

Tr. C.M.P. No.869 of 2018

and

CMP.No.21484 of 2018

1. Santha Arunachalam Petitioner / 1st Defendant

2. A. Mathiazhagan

3. A. Sridharan

4. A. Umaibalan

5. A. Amudha

Petitioners / 3rd to 6th Defendants

Vs.

1. Dr. A. Manoj Kumar

2. Visa Priyadharshini

3. A. Balamurugan

Respondents / Plaintiffs

Respondent / 2nd Defendant

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw O.S.No.146 of 2011 pending on the file of Principal District Court, Chengalpat and to transfer the same to Principal District Court, Chennai.

For Petitioners : Mr. S. Santosh for Mr. P. Giridharan

O R D E R

The Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw O.S.No.146 of 2011 pending on the file of Principal District Court, Chengalpat and to transfer the same to Principal District Court, Chennai.

2. In the above Suit, 1st petitioner herein is the 1st defendant and the 2nd to 5th petitioners are arrayed as 3rd to 6th defendants. Further, 1st and 2nd respondents in this application are the plaintiffs and the 3rd respondent is the 2nd defendant. In order to substantiate the claim, the main contention of the petitioners is that both the petitioners and the respondents are residing in Chennai and hence if the said Suit is transferred to Principal Judge Court, Chennai, there will be convenience to either parties in attending the Court proceedings in Chennai. However, the Counsel appearing for the petitioners admitted that the property now under dispute is situated within the jurisdiction of District Court, Chengalpat. Further, as of now, before the trial Court, the case has been posted for the cross examination of the plaintiff side evidence.

3.Now, for allowing the petition, except the above said reason, the petitioner has not mentioned any valid reason.

4. In this regard, on considering the said submission, it would appropriate to see that the distance between Chengalpat and Chennai. All are aware that the distance between both places is nearly 40 kms. Further, for the proceedings of the Civil Suit, the appearance of the party for every hearing is not necessary. Further, there is frequent bus, train facilities are available to reach Chengalpat. In the said circumstances, the sole reason stated by the petitioners is not sufficient ground to allow this petition.

5. In the light of the above discussions, I am of the considered opinion that this Court is not inclined to allow this application. Accordingly, the petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrn

To

The Principal District Judge, Chengalpat

Tr. C.M.P. No.869 of 2018

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