

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.12.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Tr.C.M.P.No.806 of 2018
and C.M.P.No.19918 of 2018

1.Y.Padmini
2.Yuvaraj

..Petitioners

versus

Rajagandhi

..Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.6 of 2018 pending on the file of the Principal District Court, Karur and transfer the same to the file of the Principal District Court, Coimbatore.

For Petitioners : Mr.T.S.Venkateshan

For Respondent : Mr.K.Suresh

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.6 of 2018 pending on the file of the Principal District Court, Karur and transfer the same to the file of the Principal District Court, Coimbatore.

2. The petitioners are the defendants 1 and 2 in O.S.No.6 of 2018. The respondent has filed the said suit against the petitioners for the relief of recovering Rs.25 lakhs from the petitioners. As per the case of the respondent, the petitioners borrowed the above said amount after executing a pronote in favour of the respondent. In the said circumstances, the petitioners, who are the defendants in the above said suit, have come out with the present Transfer Civil Miscellaneous Petition for the relief stated earlier in the first paragraph of this order.

3. The learned counsel appearing for the petitioners would submit that instead of filing the suit in the court situated at Coimbatore, the respondent has filed the suit against the petitioners in the Court situated at Karur. Further,

the distance between Karur and Coimbatore is about 130 kms and being aged persons, it is very difficult for them to attend the Court proceedings at Karur.

4. Per contra, the learned counsel appearing for the respondent by filing counter would submit that the Principal District Court, Karur, alone is having jurisdiction to try the petition mentioned suit. In otherwise, he has stated in the counter affidavit only about the details of transaction happened between the petitioners and respondent.

5. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent and also perused the materials available on record.

6. Now, considering the submission made on either side, if the petitioners/defendants are willing to challenge the jurisdiction issue, they are having the opportunity to file an application before the trial Court itself for appropriate remedy, in otherwise, as per the averments made in the plaint, the defendants are residing in Karur, further, the transaction had happened in Karur. So, on applying Section 20 of the Code of Civil Procedure, the contention now raised by the petitioners is not having any merits.

7. In the light of the above discussion, this Court finds that the Transfer Civil Miscellaneous Petition filed by the petitioners deserves no merits and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

sri

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District Court,
Karur.

+1cc to Mr.T.S.Venkateshan, Advocate, S.R.No.89086

+1cc to Mr.K.Suresh, Advocate, S.R.No.89824

Tr.C.M.P.No.806 of 2018
and

C.M.P.No.19918 of 2018

rr(CO)

kak(30/01/2019)



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