



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR.C.M.P(MD).No.104 of 2018
and
C.M.P(MD)No. 2267 of 2018

R.Aravindh

... Petitioner / Plaintiff

Vs.

K.Murugaiyah

... Respondent / Defendant

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw O.S.No.44 of 2018, on the file of the learned Principal Sub Judge, Tenkasi and transfer it to the learned Principal Sub Judge, Tirunelveli.

For petitioner : Mr.T.Selvan

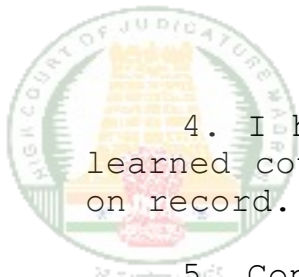
For respondent : Mr.P.T.S.Narendravasan

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking transfer the suit in O.S.No.44 of 2018, on the file of the learned Principal Sub Judge, Tenkasi to the learned Principal Sub Judge, Tirunelveli.

2. The revision petitioner/plaintiff has filed a suit in O.S.No.44 of 2018 for permanent injunction against the respondent/defendant. In the meantime, the revision petitioner filed an application in I.A.No.74 of 2018 in O.S.No.44 of 2018 on the file of the learned Principal Sub Judge, Tenkasi and obtained an order of ad-interim injunction till 28.02.2018. At this juncture, the petitioner has filed this civil revision petition seeking transfer the Suit from the learned Principal Sub Judge, Tenkasi, to the learned Principal Sub Judge, Tirunelveli, on the ground that the learned Principal Sub Judge, Tenkasi, has pressurised the revision petitioner to settle the matter between the revision petitioner as well as the respondent by vacating the suit schedule property.

3. It is the case of the respondent that he has admitted in his written statement as well as in his counter that except, in due process of law, he will not vacate the revision petitioner from the premises of the suit schedule property.



4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

5. Considering the facts and circumstances of the case, I find that the petitioner has filed this petition for transfer on the ground of vague allegations and that cannot be accepted by this Court. Therefore, this Tr.C.M.P. is liable to be dismissed.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed with the following directions:

"The learned Principal Sub Judge, Tenkasi, is directed to dispose of the I.A.No.74 of 2018 in O.S.No.44 of 2018, within a period of 15 days from the date of receipt of the copy of this order. Further, the learned Principal Sub Judge, Tenkasi, is directed to dispose of the suit in O.S.No.44 of 2018, within a period of two months thereafter."

No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To
The Principal Subordinate Judge,
Tenkasi.

+1cc to Mr.T.SELVAN, Advocate, SR.No. 61266
+1cc to Mr.P.T.S.Narendravasan, Advocate, SR.No. 60917

TR. C.M.P(MD).No.104 of 2018
12.04.2018

PJL
KK/SV MMS/18.04.2018/SAR-1/2P-4C