

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.340 of 2019

and

C.M.P.No.9836 of 2019

1.B.Natarajan

2.B.Loganathan (alias) Murthy ... Petitioners

Vs.

1.Leelavathy

2.Guruswamy Pandian Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Suit in O.S.No.180/2018, on the file of District Munsif Court, Tambaram and transfer the same to the file of the Principal District Munsif, Alandur.

For Petitioners : Mr.I.Abrar MD Abdullah

For Respondents : Mr.A.Solvendran

ORDER

The petitioners have filed this petition, seeking withdrawal of O.S.No.180/2018, on the file of District Munsif Court, Tambaram and transfer the same to the file of the Principal District Munsif, Alandur.

2.The case of the petitioners is that they are brothers and they have filed a Suit in O.S.No.180/2018 before the District Munsif Court, Tambaram against the respondents seeking far a relief of permanent injunction. The second respondent herein had given a complaint in FIR No.115/2018, dated 19.07.2018, wherein the petitioners were arrayed as Accused Nos.4 and 5 and the second respondent has stated that the 2nd respondent's father one T.Maharajan is the owner of the property in question and that the same was bought on 16.07.1993 Vide document No.3389/1999 before the SRO, Tambaram and that the petitioners herein had attempted to tress-pass into the said property and therefore, sought for an action. While so, in an order passed by this Court in CrI.O.P.Nos.21547 and 21715 of 2018, dated 10.09.2018, certain undertakings were given on behalf of the other accused and with respect to the petitioners herein, wherein, they had

stated that they would approach the Civil Court and hence, the suit was filed.

3.It is the further case of the petitioners that the second respondent is attempting to avail service connection without being in possession of the property in question and sought relief with respect to the possession of the property. The petitioners contention is that the suit lands are in their possession and they also submitted that the second respondent is a practising Advocate in the local Bar at Tambaram and is also the Secretary of the Advocates Association therein. Further, when the petitioner filed a suit, the same was not even numbered and was rejected at the threshold itself due to the intervention of the second respondent and he had to approach this Court by filing C.R.P.No.3192 of 2018 seeking appropriate directions to number the same. Therefore, the petitioner is facing severe hardship in even conducting/appearing in the local Bar where the 2nd respondent is a practising member and therefore, there is substantial apprehension on his mind with respect to the fair conduct and trial of the suit.

4.The learned counsel for the petitioners submitted that the respondents and their family members are influential persons and that they are having contact with people in high society and hence, the petitioners are afraid that their life will be put to danger if they appear before the District Munsif Court, Tambaram and that he will be put much loss and hardship if O.S.No.180/2018 is not transferred to the Principal District Munsif Court at Alandur.

5.The learned counsel for the respondents submitted that they have no objection to transfer O.S.No.180/2018 from the file of the District Munsif Court, Tambaram to the Principal District Munsif, Alandur.

6.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and consequently, O.S.No.180 of 2018, pending before the District Munsif Court, Tambaram shall be withdrawn and transferred to Principal District Munsif, Alandur. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

tsg

To

1.The District Munsif Court, Tambaram.

2.The Principal District Munsif, Alandur.

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and
C.M.P.No.9836 of 2019

AD(CO)
CB(28/11/2019)



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