

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.503 of 2019 and
CMP.No.14031 of 2019

1. Lakshmi @ Lakshmipathy

2. Sivasankaran

rep. by Power Agent

the 1st petitioner

Lakshmi @ Lakshmipathy,

S/o.Gandhi, Plot No.57, 2nd Cross,

Sarojini Nair Nagar,

Virudhachalam Junction Road,

Virudhachalam Taluk,

Cuddalore District (Now at London)

... Petitioners

vs.

1. Valarmathi

2. Manivasagan

3. Krishnasamy Pillai

4. P.R.Ramasubramania Raja

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the suit in O.S.No.72/2011 from the file of the Sub-Court, Ariyalur and to transfer the same to the Sub-Court, Virudhachalam.

For Petitioners: Mr.S.Balasubramanian

For respondents:

JUDGMENT

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the suit in O.S.No.72/2011 from the file of the Sub-Court, Ariyalur and to transfer the same to the Sub-Court, Virudhachalam.

2. Learned Counsel appearing for the petitioners would submit that when the suit for partition has been filed in the place where immovable property is situated, due to more than two reasons, the petitioner has been advised to come to this Court. Firstly, for the convenience of the witnesses who are going to depose in the suit before the learned Subordinate Judge, Ariyalur, transfer has to be effected. Secondly, the 4th

defendant in the suit is posing threat to the plaintiff and also to the witnesses.

3. But this Court is unable to find any material evidence to substantiate that averments. Further, it appears that the distance between Virudhachalam to Ariyalur is only 40 kms.

4. It is at this stage, the learned Counsel for the petitioners seeks permission to withdraw the Transfer CMP with a request to direct the learned Subordinate Judge, Ariyalur to dispose of the same expeditiously and an endorsement has also been made to that effect.

5. Accepting the request made by the learned Counsel for the petitioners to withdraw the suit and the fact that the suit is pending from the year 2011, this Court directs the learned Subordinate Judge, Ariyalur to dispose of the suit in O.S.No.72/2011, expeditiously on merits within a period of six months as the said suit is pending for the last 7 long years.

6. With the above direction, the Transfer Civil Miscellaneous Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

tsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Ariyalur.

+1cc to Mr.S.Balasubramanian, Advocate, SR.No.56817

Tr.CMP.No.503 of 2019

Kak(28/09/2019)

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