

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. Nos.517 & 518 of 2018
and
C.M.P.Nos.12614 & 12615 of 2018

D.Mohanasundaram ... Petitioner in TR.CMP.No.517/2018

D.Periyasamy ... Petitioner in TR.CMP.No.518/2018

Vs.

P.Gopalasamy ... Respondent in both petitions

COMMON PRAYER: Transfer Civil Miscellaneous Petitions filed under section 24 of C.P.C., to withdraw the case in O.S.Nos.77 & 78 of 2013 pending before the Hon'ble Sub-Court, Udumalpet, Tiruppur District and transfer the same to Hon'ble Sub-Court, Palani, Dindugal District.

For Petitioners

In both petitions : Mr.Ma.Pa.Thangavel
for Mr.V.R.Shanmuganathan

For Respondent

In both petitions : Mr.D.R.Arunkumar

C O M M O N O R D E R

These Transfer Civil Miscellaneous Petitions has been filed seeking to transfer O.S.Nos.77 & 78 of 2013 pending before the Hon'ble Sub-Court, Udumalpet, Tiruppur District to the file of Hon'ble Sub-Court, Palani, Dindugal District.

2. These Transfer Civil Miscellaneous Petitions are filed by the brothers against the respondent/plaintiff. The petitioners are the defendants in two suits filed against them by the respondent for recovery of money on the file of Sub Court, Udumalpet. The petitioner in Tr.C.M.P.No.517 of 2018, is an Advocate practicing before the Sub Court, Udumalpet and it would be embarrassing for him to let in evidence before the Court

where he is practicing and in order to avoid unwarranted allegations, he wants the matter to be transferred to Sub-Court, Palani.

3. On the other hand, the learned counsel for the respondent would submit that he has confidence on the Court.

4. I have considered the submissions of the learned counsel on either side.

5. When the parties have confidence on the Court and all are residing in the same area, the apprehension is meaningless. However, the submission is that the reputation of the petitioner in Tr.C.M.P.No.517 of 2018, who is an Advocate practicing in the very same Court, though from 2018, may affect his future prospects.

6. Considering the submissions made, the Sub Court, Udumalpet, is directed to take up the cross examination of the defendant in OS.No.77 of 2013 as far as possible without drawing much attention of the lawyers and litigants and preferably conduct an in-camera proceeding during cross examination of the petitioner/advocate. Except for the cross examination of the petitioner/advocate, trial Court can conduct all other proceedings as usual.

7. With these observations, the Transfer Civil Miscellaneous Petitions are disposed of. The case is at the stage of cross-examination of witnesses. Considering the same, a direction is issued to the Sub Court, Udumalpet to dispose of the cases as expeditiously as possible preferably within a period of five months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bri

To

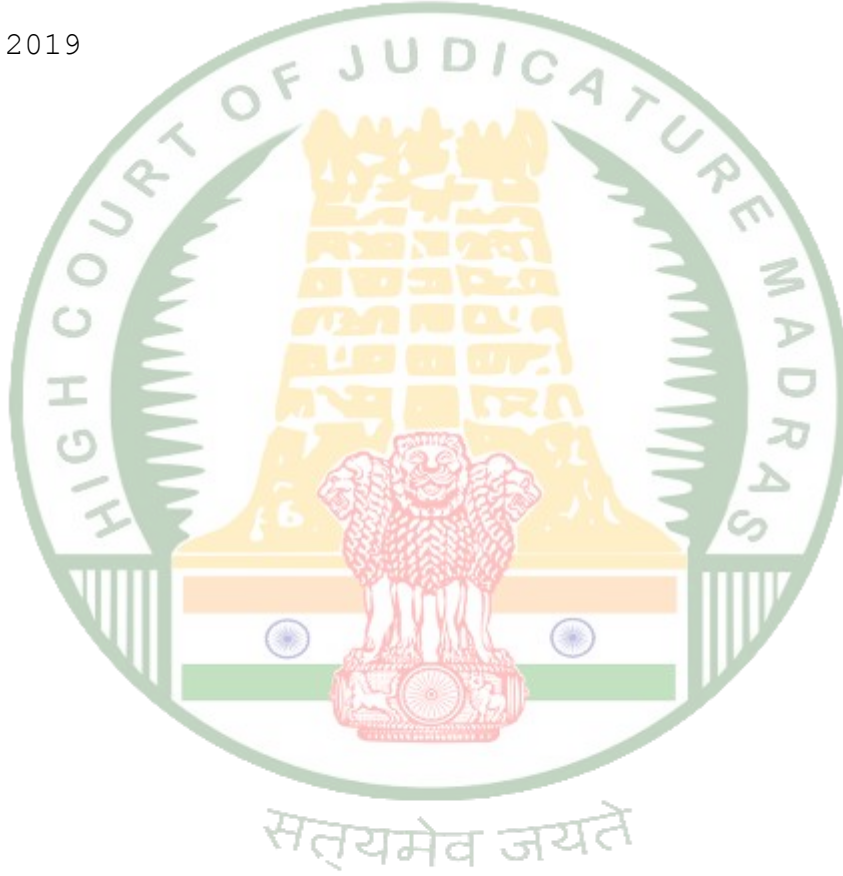
1. The Judge, Subordinate Court,
Udumalpet.

+1 cc to Mr.Ma.P.Thangavel, Advocate Sr.No.13675

+1 cc to Mr.D.R.Arunkumar, Advocate Sr.No.12501

TR C.M.P. Nos.517 & 518 of 2018
and
C.M.P.Nos.12614 & 12615 of 2018

SSV(CO)
CSL/26.03.2019



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