

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD)No.3127 of 2019

A.N.Mohan

... Petitioner

Vs.

1.T.S.Kanniyan
2.Dr.Lakshmi Priya
3.Vinoth Kumar

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, against the order of the Principal District Judge, Vellore in Tr.O.P.No.55 of 2018, dated 22.07.2019 in rejecting the application seeking for transfer of the suit.

For Petitioner : Mr.V.Raghavachari

ORDER

This revision petition has been filed against the order made in Tr.O.P.No.55 of 2018 in O.S.No.83 of 2013 on the file of the Principal District Judge, Vellore, by order dated 22.07.2019.

2.The petitioner has filed a suit in O.S.No.83 of 2013, which is pending before the Additional District Judge (FTC) Court, Vellore. The said Court is located in the first floor of the Court building concerned. In the circumstances, the said Tr.O.P. was filed by the petitioner, who

is the plaintiff in the suit, that, because of bone pain (Trauma) continuously for a very long time, he was taking treatment and therefore, in view of his illness, he was not able to climb up or climb down the steps for the stair case at the first floor where the Additional Court (FTC) located, where the suit filed by him is pending. Therefore, on that ground, he wanted to transfer the said suit to the Principal District Court, which is located at the ground floor.

3.Having considered the reasons given by the petitioner for transfer of the said O.S., in the said Tr.O.P., the same was rejected by the Principal District Judge, Vellore, in the impugned order, as against which, the present revision has been filed.

4.Heard the learned counsel for the petitioner and I have perused the materials placed before this Court.

5.Admittedly, the only reason given by the petitioner, who is the plaintiff in the Court below to transfer the suit from Additional District Judge (FTC), Vellore to Principal District Judge, Vellore was that, because of his health condition, i.e., bone pain, he is not able to climb

up or climb down the steps to the first floor where the FTC Court located and therefore, for the said reason, he wanted to transfer the suit to the Principal District Court, which is located in the ground floor.

6.I am afraid whether these kind of reasons can be entertained for the purpose of transferring the litigations from one Court to another. In that case, there will be no end for seeking such kind of transfer, without any plausible reason and therefore, this Court is of the considered view that, the view taken by the learned Principal District Judge, in rejecting the said Tr.O.P. is absolutely justifiable and therefore, does not warrant any interference from this Court.

7.Accordingly, this revision petition fails and hence, it is dismissed. No costs. Since the petitioner/plaintiff is an ailing person and he is already suffering, the Court below is directed to take up the suit on priority basis and decide the same on merits, as early as possible preferably, within a period of six months from the date of receipt of a copy of this order.

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R.SURESH KUMAR, J.

Sgl

To

The Principal District Court,
Vellore.



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