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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2019

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.CMP No.943 of 2019

And

C.M.P.Nos.25666 and 25668 of 2019

M.Lakshmi

.. Petitioner

vs.

1.The Secretary D.D.9 Uthangarai Agriculture
Producers Co-operative Sales Societies Ltd.,
Uthangarai,
Krishnagiri District.

2.Deputy Registrar to Cooperative,
Dharmapuri,
Dharmapuri District.

.. Respondents

This Transfer Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure, 1908, to withdraw the case in CMA(CS) No.8 of 2014 pending on the file of the Principal District Court at Krishnagiri, Krishnagiri District and transfer the same to any one of the District Courts in Chennai.

For Petitioner : Ms.M.Lakshmi (Party-in-Person)

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in CMA(CS) No.8 of 2014 pending on the file of the Principal District Court at Krishnagiri, Krishnagiri District and transfer the same to any one of the District Courts in Chennai.

2. The petitioner in person appeared before this Court and made a submission that the Principal District Judge, Krishnagiri District, is going to reject her case and therefore, the case is to be transferred to any other District Court in Chennai.



3. The petitioner-in-person made a submission that she was unnecessarily dragged on account of the false actions initiated against her by D.D.9 Uthangarai Agriculture Producers Co-operative Sales Societies Ltd., Uthangarai, Krishnagiri District.

4. The petitioner-in-person pleads that at no point of time, she had availed any loan from the respondent-Cooperative Society and a false action was initiated against her and subsequently, actions were initiated under the provisions of the Tamil Nadu Cooperative Societies Act, 1983.

5. The CMA(CS) No.8 of 2014 is now pending before the Principal District Court at Krishnagiri. The petitioner-in-person reiterated that the final hearing of the case in CMA (CS) No.8 of 2014 is unnecessarily delayed by the Principal District Court at Krishnagiri and therefore, she filed the present Transfer Civil Miscellaneous Petition to transfer the abovesaid case viz., CMA(CS) No.8 of 2014 from Principal District Court at Krishnagiri to any other District Court in Chennai.

6. Though various grounds regarding the merits of the case are raised, the same cannot be adjudicated in the present Transfer Civil Miscellaneous Petition as all such disputed issues are to be decided by the Principal District Court at Krishnagiri in CMA(CS) No.8 of 2014 based on the documents as well as the evidences placed by the respective parties to the said Miscellaneous Appeal. Such an exercise cannot be done in a Transfer Civil Miscellaneous Petition, wherein the petition is filed to transfer the case from Principal District Court at Krishnagiri to any other District Courts in Chennai. Thus, the grounds raised on merits cannot be adjudicated in the present Transfer Civil Miscellaneous Petition.

7. Perusal of the entire affidavit filed in support of the present Transfer Civil Miscellaneous Petition, this Court could not able to identify any acceptable ground for the purpose of considering the present Transfer Civil Miscellaneous Petition.

8. This Court found that the very same petitioner earlier filed Transfer Civil Miscellaneous Petition No.538 of 2018 and this Court passed an order on 06.02.2019, wherein in paragraphs-6 to 8, this Court observed as under:-

"6. In such circumstances, the requirement of withdrawing and



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transferring the case in CMA.No.8 of 2013 to District Court, Dharmapuri has become infructuous.

7. The petitioner is directed to appear before the learned District Judge, Krishnagiri on 20.2.2019 and submit her arguments and after hearing the arguments of respondent within a period of one week, the learned District Judge, Krishnagiri shall pass orders within a period of 10 (ten) days from the date of completion of the arguments on both sides, preferably on or before 6.3.2019.

8. The Transfer Civil Miscellaneous Petition is disposed of accordingly with the above direction. Consequently, the connected C.M.P.No.13262 of 2018 & CMP.No.526 of 2019 are closed. No costs."

9. In view of the earlier orders, this Court is inclined to find out the status regarding the case and directed the Registry to verify the present status of the Civil Miscellaneous Appeal. The Registry at 02.15 P.M., informed this Court that the case filed before the Principal District Court at Krishnagiri in CMA (CS) No.8 of 2014 is in progress and the petitioner, on many occasions, did not appear and on that ground, adjournments are granted. In other words, it is contended that on account of the non-cooperation of the petitioner, the case is unable to be disposed of within the time limit fixed by this Court in the earlier petition filed in Tr.CMP No.538 of 2018.

10. This Court is of an opinion that the transfer of cases cannot be granted at the choice of the litigants concerned. Transfers are to be granted on certain genuine grounds. Transfer of cases can be considered by the Court only if a person approaching the Court is able to establish that it may not be possible for him/her to conduct the case in that place or if any other reason, which is acceptable for grant of transfer is to be established.

11. In the present case, though the petitioner states that she is unable to go to Krishnagiri, she appeared in person before this Court and able to articulate her case and further insisted this Court to grant transfer, which seems to be with



some motive. Such personal perceptions of the litigant, cannot be granted to transfer the case from one District to another District. Actions were initiated against the petitioner under the provisions of the Tamil Nadu Cooperative Societies Act, 1983 with reference to certain loan transactions. Thus, all such facts and circumstances are to be adjudicated with reference to the documents and evidences available. The petitioner is able to present her case by narrating the entire facts and under these circumstances, her contention that she cannot defend her case before the District Court at Krishnagiri, is unacceptable.

12. As per the informations provided by the Registry of the High Court, the District Court at Krishnagiri is proceeding with the case as expeditiously as possible and on account of non-cooperation on the part of the petitioner, the learned Principal District Judge, Krishnagiri is unable to pass orders within the time limit. Under these circumstances, this Court has to draw an inference that the petitioner is filing the present Transfer Civil Miscellaneous Petition second time in order to choose the Court at her choice. 'Bench hunting' or 'Forum shopping' are heavily condemned by the Hon'ble Supreme Court of India. Litigant cannot choose Forum. Certain flimsy grounds cannot be accepted for the purpose of transferring the cases from one District to another District. When the case is on the verge of disposal, transfer applications cannot be entertained in a routine manner. The parties making certain assessments of their own are filing such transfer applications in order to prolong and protract the litigation, which can never be encouraged by the Courts. Thus the very intention of filing the present Transfer Civil Miscellaneous Petition once again by the petitioner, cannot be appreciated but to be deprecated.

13. This being the factum, the learned Principal District Judge, Krishnagiri District, is directed to dispose of the case, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that no unnecessary adjournment is to be granted and even in case of any request for adjournment by either of the parties, the same may be granted by recording reasons, which must be acceptable. The petitioner is directed to cooperate for the early disposal of CMA(CS) No.8 of 2014. In the event of any non-cooperation on the part of the petitioner, then the same shall be recorded by the learned Principal District Judge, Krishnagiri District in the Court proceedings itself.



14. With the above directions, the present Transfer Civil Miscellaneous Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

The Principal District Judge,
District Court @ Krishnagiri,
Krishnagiri.

+lcc to Ms.M.Lakshmi, Advocate sr.101264

Tr.CMP No.943 of 2019

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