



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.10.2019**

CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA
TR.C.M.P. (MD) No.258 of 2011

WEB COPY

- 1.Jeya
- 2.Minor Sudarsan
- 3.Minor Dhanusika

Minor petitioners 2 and 3 represented
through their mother and natural
guardian/1st petitioner.

... Petitioners/Respondents 1 to 3

vs.

- 1.Vellathai (died)
- 2.Minor Maragatha Valli
- 3.T.Rajadurai
- 4.Thangaiah Thevar
- 5.Marithai

... Respondents 1&2/Plaintiffs 1&2

... Respondents 3&4/Respondents 4&5

5th respondent has been impleaded
vide order dated 21.10.2016

... Respondents

Prayer:- This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.234 of 2010 on the file of Principal District Munsif Court, Sankarankovil, Tirunelveli District and transfer the same either to the Principal District Munsif Court, Madurai or to any other competent Court having jurisdiction at Coimbatore.

For Petitioner	: Mr.Guhan for Mr.Saravanakumar
For Respondent	: R.J.Karthick for Mr.R.Subramanian

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the defendants 1 to 3 in O.S.No.234 of 2010 filed by the deceased 1st plaintiff for partition, seeking to transfer the suit O.S.No.234 of 2010 on the file of Principal District Munsif Court, Sankarankovil, Tirunelveli District either to the Principal District Munsif Court, Madurai or to any other competent Court having jurisdiction at Coimbatore.

2.Pending the above transfer petition, the 1st plaintiff, Vellathai died. The reasons for transferring the suit are that the defendants 1 to 3 are facing continuous threat to their life from



the plaintiffs and therefore, the defendants 1 to 3 would contend that they may not be able to adequately defend the suit, if it is tried at Sankarankovil. The 4th respondent herein/5th plaintiff has also threatened the defendants 1 to 3 not to conduct the suit. Apart from this, there is no other reason given to transfer the suit.

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3.The transfer is sought from the file of Principal District Munsif Court, Sankarankovil, Tirunelveli District to either the Principal District Munsif Court, Madurai or to any other competent Court having jurisdiction at Coimbatore. Admittedly, no part of the suit schedule property is situated at Madurai or Coimbatore and the defendants are not residing in these places. The suit property is situated only at Sankarankovil.

4.Under these circumstances, I do not find any reason to transfer the proceedings of the suit O.S.No.O.S.No.234 of 2010 from the file of Principal District Munsif Court, Sankarankovil, Tirunelveli District either to the file of Principal District Munsif Court, Madurai or to the file of any other competent Court having jurisdiction at Coimbatore.

5.Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Principal District Munsif,
Sankarankovil.
Tirunelveli District.

2. The Principal District Munsif,
Madurai.

+1 CC to Mr.M.SARAVANA KUMAR, Advocate (SR-93449[F] dated 22/10/2019)

+1 CC to Mr.R.J.KARTHICK, Advocate (SR-93583[F] dated 22/10/2019)

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