

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.03.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**TR. C.M.P (MD) .No.521 of 2018****and****C.M.P (MD) No.12186 of 2018**

V.Kannan

... Petitioner /
Petitioner

Vs.

1.B.Akila

2.R.Navanathan

... Respondents/
Respondents

PRAYER in Tr.C.M.P. (MD) .No.521/2018:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in O.S.No.15 of 2018 pending on the file of the learned District Munsif, Madurai Taluk, Madurai and transfer the same to any other competent District Munsif Court of Sivagangai District.

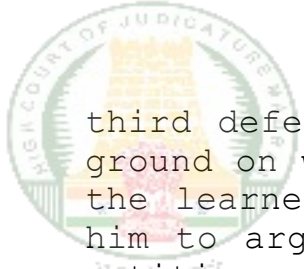
For petitioner : Mr.V.Kannan
(Party-in-person)

For respondent : No appearance

ORDER

The petitioner has filed this petition seeking to transfer the suit in O.S.No.15 of 2018 pending on the file of the learned District Munsif, Madurai Taluk, Madurai to any other competent District Munsif Court, Sivagangai District.

2. It is seen that the petitioner has filed the suit in O.S.No.15 of 2018 for permanent injunction restraining the respondents / defendants from in any way interfering with peaceful possession and enjoyment of the suit property except under due process of law. The respondents/ defendants also filed their written statement. While so, the petitioner filed I.A.No.741 of 2018 in O.S.No.15 of 2018 seeking to implead one N.Pandiammal as



third defendant in the suit and to rewrite the plaint. The only ground on which the petitioner sought transfer of the suit is that the learned District Munsif, Madurai Taluk, Madurai, has insisted him to argue the main suit during the pendency of the impleading petition and threatened to dismiss the suit.

3. The petitioner (party-in person) reiterated the averments made in the petition.

4. Heard the petitioner and perused the materials available on record.

5. The petitioner has raised only bald allegations, based on which the relief sought for by the petitioner cannot be granted. If the transfer petitions are entertained on the ground that the Court below insisted to argue the main suit and threaten to dismiss the suit, then no case could be heard in the Court in which the cases are instituted. It appears that with the intention to protract the proceedings before the lower Court, the petitioner has filed this petition without any basis. Hence, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Munsif,
Madurai Taluk,
Madurai.

+1 CC to M/s.V.KANNAN, Party in Person (SR-52164[F] dated 07/03/2019)

gcg

TR. C.M.P(MD).No.521 of 2018
07.03.2019

KM/(25.03.2019) 2P 3C