



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

Tr.C.M.P. (MD) No.229 of 2018

and

C.M.P. (MD) No.5750 of 2018

R.Raman Lal

: Petitioner/Petitioner

.. Vs ..

- 1.R.Ramgopal
- 2.Isai Nilla Madhukumaran
- 3.Yazini Ravi
- 4.A.Kathiha Sajitha
- 5.Fiaz Ahamed
- 6.Pugalneela Kausik
- 7.I.Soloman Viswasadoss

: Respondent/Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed, praying to withdraw the Suit in O.S.No.86 of 2015 pending on the file of the Principal District Judge at Nagercoil and transfer the same to the Principal District Judge at Madurai or any other District Judge for disposal.

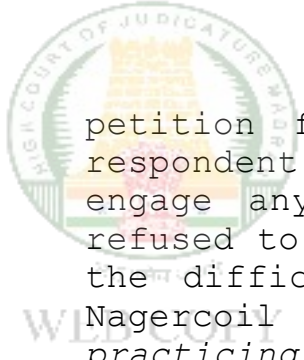
For Petitioner : Mr.A.V.Arun
For Respondent 1 : Mr.D.Nallathambi
For Respondents : No appearance
2 to 7

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ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the proceedings in O.S.No.86 of 2015 pending on the file of the District Judge, Nagercoil, and transfer the same to the Principal District Court at Madurai or any other District Court for disposal.

2.The parties are relatives. The petitioner is the plaintiff in the suit. The suit is for partition. The petitioner is also an Advocate practicing in Chennai. The suit was contested by the defendants mainly on the ground that there was an earlier partition and that the plaintiff is also a party to it. The



petition for transfer is filed on the ground that the first respondent being a local Advocate, the petitioner is not able to engage any Lawyer of his choice and many Senior Lawyers have refused to take up the case. Since the apprehension is only about the difficulty to conduct the case by engaging an Advocate at Nagercoil as the first defendant in the suit is an Advocate practicing in Nagercoil, this Court wanted to know from the first respondent's Counsel as to whether the matter can be transferred to Tirunelveli District. Though the learned Counsel appearing for the contesting respondent has filed an elaborate counter denying all the allegations made in the transfer petition, the learned Counsel, however, has no serious objection for the matter being transferred to the District Court, Tirunelveli. In such circumstances, this Court, on the basis of the consent of both parties, transfer the proceedings in O.S.No.86 of 2015 pending on the file of the Principal District Court, Nagercoil to the Principal District Court, Tirunelveli.

3.This Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal District Judge,
Nagercoil.

2. The Principal District Judge,
Tirunelveli.

+1 CC to Mr.A.V.ARUN, Advocate (SR-77106[F] dated 24/07/2019)

+1 CC to Mr.D.NALLATHAMBI, Advocate (SR-77342[F] dated 24/07/2019)

Tr.C.M.P. (MD) No.229 of 2018
23.07.2019