

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.1044 of 2019

and

C.M.P.No.27841 of 2019

Mr.Tamilselvan

...
Petitioner/Petitioner

-vs-

- 1.Mr.Selvaraj
- 2.Mr.Subbaiah
- 3.Mr.Natarajan
- 4.Mr.Charlesrajan
- 5.Mr.Jayaraman
- 6.Mr.Rajachidambaram
- 7.Mr.Shanmugam
- 8.Mr.Shivanesan
- 9.Mr.Pazhanivel
- 10.Mr.Chandravel
- 11.Mr.Murugan
- 12.Mr.Sivamani
- 13.Mr.Sekar
- 14.Mr.Asaitambi
- 15.Mr.Rajendran
- 16.Mr.Sridhar
- 17.Mr.Ramaswamy
- 18.Mr.Muthuvel
- 19.Mr.Murugesan
- 20.Mr.Balu
- 21.Mr.Kalaicheliyan
- 22.Mr.Suresh
- 23.Mr.Aravazhi
- 24.Mr.Rajan
- 25.Mr.Velmurugan
- 26.Mr.Sairam
- 27.Mr.Jayaraman
- 28.Mr.Sathyamurthy
- 29.Mr.Subbarayan
- 30.Mr.Venkatesan
- 31.Mr.Mani
- 32.Mr.Arasan
- 33.Mr.Saravanan
- 34.Mr.Rajaprabhu
- 35.Mr.Manoharan
- 36.Mr.Rajkumar
- 37.Mr.Muthulingam
- 38.Mr.Jagadeswaran
- 39.Mr.Balasubramanian
- 40.Mr.Sekar

41.Mr.Shankar
42.Mr.Stennies Los
43.Mr.Baskaran
44.Mr.Jothi
45.Mr.Venkatesan
46.Mr.Veeramani
47.Mr.Mani

... Respondents

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the case in I.P.No.5 of 2019 on the file of Hon'ble Sub Court, Neyveli and transfer the same to any other Hon'ble Subordinate Judge of the State of Tamil Nadu.

For Petitioner : Mr.G.Vijayakumar

For R1, 6 to 10,
13 to 15, 20, 23,
25, 29 to 33, 36, 39 & 41: Mr.P.Paramasiva Doss

For R44 : Mr.Om Sairam

O R D E R

The present petition has been filed to transfer the case in I.P.No.5 of 2019 pending before the Sub Court, Neyveli to any Sub Court in the State of Tamil Nadu.

2. It is represented by the learned counsel for the petitioner that there was a threat to the petitioner and he was prevented from appearing before the Court. The said submission was refuted by the learned counsel for the respondents, stating that the petition itself is not maintainable and the amount due to the respondents is Rs.2.5 Crores. It was contended by the learned counsel for the respondents that the petitioner is involved in a murder case and there is not even a whisper about lodgement of any complaint to the Police or any other authority, against the respondents alleging threat to the petitioner.

3. In reply, the learned counsel for the petitioner has submitted that the Police has been refusing to receive the complaint of the petitioner and register an FIR and on account of paucity of money, the petitioner is unable to approach this Court under Section 482 Cr.P.C. for a direction to register a case against the persons threatening him. This Court is not inclined to go into those averments made by the petitioner, which is not relevant to the facts of the present transfer petition.

4. At this juncture, learned counsel for the respondents has stated that the respondents have no objection in transferring the case to the Subordinate Court, Panruti and a time limit may

be fixed by this Court to dispose of the case.

5. Taking note of the above submissions, the Transfer Civil Miscellaneous Petition is disposed of, with a direction to the learned Subordinate Judge, Neyveli to transfer the case in I.P.No.5 of 2019 to the file of Subordinate Court, Panruti, within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the Transferee Court, namely, the Subordinate Court, Panruti is directed to take up the case in I.P.No.5 of 2019 and proceed with the same, without adjourning the matter beyond 15 working days at any point of time and bring the issue to a logical end as expeditiously as possible, preferably within one year. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Subordinate Judge,
Neyveli.

2.The Subordinate Judge,
Panruti.

+lcc to Mr.S.T.Raja , Advocate SR.No. 10493

+lcc to Mr.G.Vijayakumar , Advocate SR.No. 10606

T.R.C.M.P.No.1044 of 2019

A.SK(12/03/2020)