

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.81 of 2021

R.Sivam

.. Petitioner

vs.

M.Venkatesan

.. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.11 of 2019 on the file of the Sub-Court, Ariyalur and transfer the same to any other Court in the State except the erstwhile Trichy District.

For Petitioner

: Mr.R.Venkatesulu

ORDER

The petition for transfer is filed to withdraw O.S.No.11 of 2019 on the file of the Sub-Court, Ariyalur to any other Court in the State.

2. The learned counsel appearing on behalf of the petitioner states that the petitioner had received a letter from the respondent dated 13.12.2018 with mudslinging derogatory statement which is in no way connected with the petitioner. However, the petitioner sent a reply on 17.12.2018 apprising the real facts and seeking for apology. The contention of the petitioner is that he is in no way connected with reference to the allegations and therefore, the suit filed by him in O.S.No.11 of 2019 for damages is to be transferred.

3. Admittedly, the petitioner is the plaintiff, who instituted a suit in O.S.No.11 of 2019 with a prayer claiming compensation for the loss of reputation which is estimated as Rs.10,00,000/-. Written statement has been filed. The matter is sub-judice before the Sub-Court, Ariyalur. Under these circumstances, the present petition for transfer is filed on the ground that the defendant is causing further interference and making unnecessary derogatory statement against the petitioner.

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4. Admittedly, the civil suit is pending. The suit was instituted by the petitioner for claiming damages. When the suit is sub-judice and written

statement is filed, exchange of letters and other aspects are also to be properly addressed. If at all any grievance exists for the petitioner, he is at liberty to initiate appropriate proceedings. Contrarily, he cannot file a transfer petition which would cause prejudice to the interest of both parties in conducting trial and disposal of the suit by the competent Court. Thus, the reasons for transfer contended in the present petition are not convincing. The Trial Court is requested to expedite the trial and dispose of the same as expeditiously as possible.

5. With these observations, the transfer Civil Miscellaneous Petition stands dismissed. No costs.

11.03.2021

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

ssb

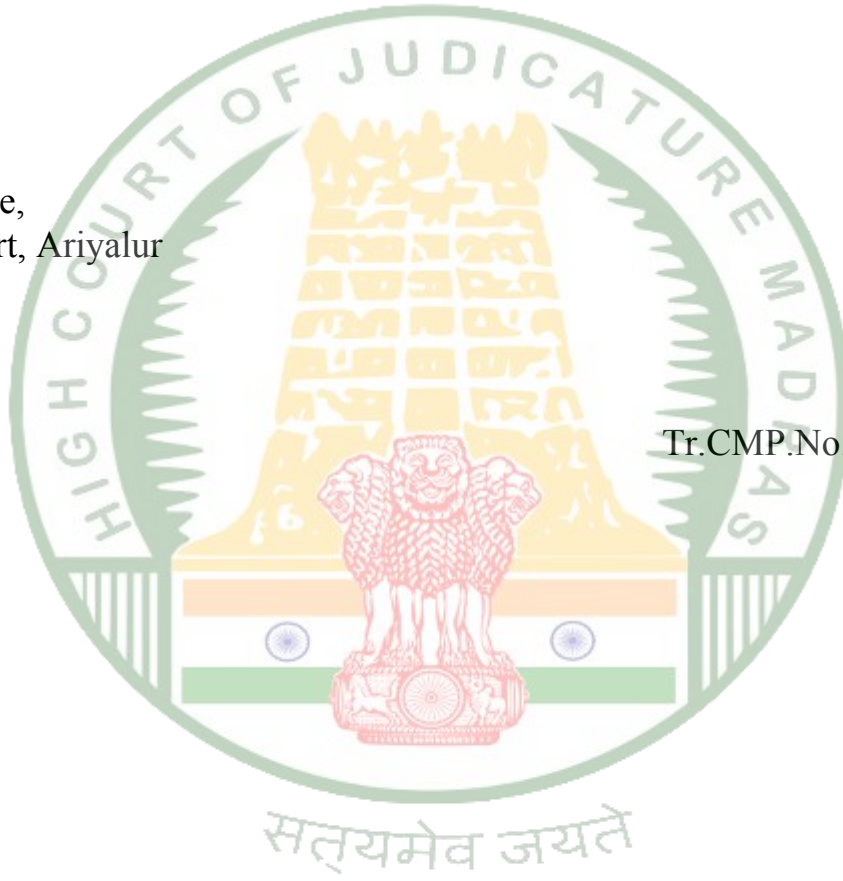
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S.M.SUBRAMANIAM, J.

ssb

To

The Judge,
Sub-Court, Ariyalur



Tr.CMP.No.81 of 2021

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