



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.122 of 2021

and

CMP (MD) .No.2401 of 2021

S.Rohini

... Petitioner/Defendant

-vs-

M.Alaguraj

.... Respondent/Plaintiff

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.s.No.277 of 2018 on the file of Principal Sub Court, Dindigul and to transfer the same to Sub Judge, Uthamapalayam, Theni District.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.R.Ramadurai

O R D E R

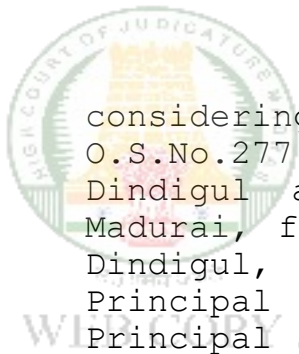
The present Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.277 of 2018 on the file of Principal Sub Court, Dindigul and to transfer the same to Sub Judge, Uthamapalayam, Theni District.

2.The respondent has filed a suit in O.S.No.277 of 2018 before the Principal Sub Court, Dindigul, for recovery of money.

3.The learned counsel for the petitioner submitted that the petitioner is the resident of Theni District and the respondent has given a false address as if the petitioner is residing at Dindigul to enable him to file the present suit. The petitioner is facing severe ailments and therefore, she has not at all in a position to travel from Theni to Dindigul. Moreover, the suit is posted for trial and since the respondent is threatening the petitioner, she is not able to participate in the trial proceedings to conduct the suit in a fair manner. In such situation, it is difficult for the petitioner to attend the hearing in O.S.No.277 of 2018 before the Principal Sub Judge, Dindigul. Therefore, he seeks to transfer the case to Sub Court, Uthamapalayam, Theni District.

4.The learned counsel for the respondent has strongly opposed to transfer the suit. However, if this Court feels to transfer the case, the same may be transferred to Madurai.

5.Considering the facts and circumstances of the case and
<https://hcservices.ecourts.gov.in/hcservices/>



considering the submission made by both counsel, the suit in O.S.No.277 of 2018 is withdrawn from the Principal Sub Court, Dindigul and transferred to the file of Principal Sub Court, Madurai, for disposal as per law. The Principal Subordinate Judge, Dindigul, is directed to transmit the papers to the file of the Principal Subordinate Judge, Madurai, forthwith. The learned Principal Subordinate Judge, Madurai, is directed to dispose of the suit in O.S.No.277 of 2018 on merits and in accordance with law as expeditiously as possible.

6.In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Principal Subordinate Judge, Dindigul.
2. The Principal Subordinate Judge, Madurai.

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate (SR-23898[F] dated 26/07/2021)

+1 CC to M/s.R.RAMADURAI, Advocate (SR-24061[F] dated 27/07/2021)

Tr.C.M.P. (MD) No.122 of 2021

and

CMP(MD) .No.2401 of 2021

Dated:

26.07.2021

MGJ(03.08.2021) 2P 5C