



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.362 of 2021

and

C.M.P. (MD) No.7320 of 2021

WEB COPY

1.S.Sundarrajan

2.S.Lakshmi

... Petitioners/ defendants 1 & 2

Vs.

1.S.Valarmathi

2.S.Vishall

3.S.Abishek

... Respondents 1 & 2/Plaintiffs 1 & 2

... 3rd Respondent/ 3rd defendant

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S. No.2357 of 2021 on the file of the IV Additional Principal Judge, City Civil Court, Chennai, and transfer the same to the file of the Principal District Court, Madurai.

For Petitioners : Mr.S.Krishnan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.2357 of 2021 on the file of the IV Additional Principal Judge, City Civil Court, Chennai, and transfer the same to the file of the Principal District Court, Madurai.

2.The learned counsel for the petitioners would submit that the respondents 1 and 3 / plaintiffs have filed a suit in O.S.No.2357 of 2021 on the file of the IV Additional Principal Judge, City Civil Court, Chennai, seeking for the relief of partition to allot 2/8th share of late.S.Sivakumar in the suit schedule property and for separate possession of the same and also for permanent injunction. The said suit schedule property is situated at No.18/10H, Velayutham Colony, 1st Street, Saligramam, Chennai - 93 and the suit is now pending on the file of the IV Additional Principal Judge, City Civil Court, Chennai. The petitioners are the defendants 1 and 2 in the suit.

3.The learned counsel for the petitioners would further submit that the first petitioner is having physical disability of 45% and the second petitioner is aged about 82 years and an octogenarian and thereby, it is very difficult for them to travel for more than 400 kms., for each and every hearing from Madurai to



Chennai. He would further submit that it is too expensive for travelling and due to the pandemic Covid-19 is spreading rapidly and thereby, the present application is filed seeking for transfer.

4. Heard the learned counsel for the petitioners and perused the materials on record.

5. A partition suit has been filed in respect of the property situated at Chennai. It is not the case, where the petitioners have to be present for each and every hearings. I am not satisfied with the grounds raised in the affidavit filed in support of the Transfer Civil Miscellaneous Petition. Therefore, the Transfer Civil Miscellaneous Petition lacks merits and deserves to be dismissed.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

The IV Additional Principal Judge,
City Civil Court,
Chennai.

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