



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No.1176 of 2021
and
CMP.No.9030 of 2021

A.Asoka Devi

..Petitioner

Vs.

C.Senthilkumar

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair order dated 19.04.2021 in Tr.OP.No.65 of 2020 on the file of the Principal District Judge, Coimbatore.

For Petitioner : Mr.G.V.Sridharan

For Respondent : Mr.K.Myilsamy

O R D E R

Challenge in this revision is to the order of the learned Principal District Judge, Coimbatore, rejecting the request of the petitioner to transfer the suit in OS.No.41 of 2020 pending on the file of the District Munsif Court, Sulur to any one of the District Munsif's Courts at Coimbatore.

2.The suit is one for a permanent injunction restraining the defendant in any manner encumbering or alienating the suit properties. The plaintiff had claimed that the suit properties were purchased by the defendant in his name in a fiduciary capacity for the benefit of the plaintiff. The said claim is stoutly denied by the defendant. The suit was originally instituted in OS.No.890 of 2019 at Coimbatore and on formation of the District Munsif's Court at Sulur, the suit was transferred to the District Munsif Court at Sulur and numbered as above.

3.The petitioner sought for transfer of the suit on the



ground that since she is a resident of Ramanathapuram at Coimbatore and her husband / respondent also resides at Ramanathapuram in Coimbatore, the suit has to be tried at any one of the District Munsif's Court within the combined Court complex at Coimbatore. The learned Principal District Judge has rejected the claim for transfer on the ground that travelling from Ramanathapuram to Sulur is not very difficult and on the ground that the suit being one where right to immovable property is involved the same has to be tried only in the Court, within whose jurisdiction the property is situate.

4.Mr.G.V.Sridharan, learned counsel appearing for the petitioner would vehemently contend that considering the distance between Sulur and Coimbatore, the learned Principal District Judge should have transferred the proceeding to the Courts at Coimbatore. I am unable to accept the statement of the learned counsel for the petitioner. The distance between Sulur to Coimbatore is only about 17 kilometres and the learned District Judge has rendered the factual finding that it is not very difficult to travel between Sulur and Coimbatore. Furthermore, the suit is one for injunctive relief regarding the immovable property the same has to be tried only in the Court, which has territorial jurisdiction over the place where the property situate under Section 16 of CPC.

5.Hence, I do not see any reason to interfere with the order of the learned Principal District Judge, dismissing the transfer petition. This civil revision petition therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkn

To

The Principal District Court,
Coimbatore.

C.R.P(PD)No.1176 of 2021 and
CMP.No.9030 of 2021

VSN-II(CO)
CT 31/01/2022