



TR.CMP.No.601 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.601 of 2022
and CMP.No.10342 of 2022

J.Prakash

... Petitioner

VS

V.Murugavel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the O.S.No.362 of 2021 pending on the file of the Principal Subordinate Court, Ranipet and transfer the same to the Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.P.G.Thiyagu
For Respondent : No appearance

ORDER

The petitioner has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the Suit in O.S.No.362 of 2021 pending on the file of the Principal Subordinate Court, Ranipet to the file of



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Principal Subordinate Court, Tiruvannamalai.

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2. According to the petitioner, he is a retired person from the Department of Handloom and Textiles of Tamil Nadu. The respondent herein filed the suit in O.S.No.362 of 2021 against him seeking compensation on the ground that the petitioner committed an act of defamation against the respondent. According to the petitioner, he entered appearance before the Subordinate Court, Ranipet through an Advocate and he averred that he is a diabetic patient and therefore, he is unable to travel 150 Kms to attend the Court hearing at Ranipet. The transfer was sought only on the ground that the petitioner is a diabetic patient and hence, he is not in a position to undertake long distance travel from Tiruvannamalai to Ranipet.

3.The medical ground cited by the petitioner is not acceptable to the Court, unless the petitioner is able to show that due to some special disability, the petitioner is not in a position to undertake travel from Tiruvannamalai to Ranipet. On the ground of general illness, request for transfer cannot be accepted. Further, the suit is pending on the file of the Principal Subordinate



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Court, Ranipet. The petitioner has already entered appearance through an Advocate and therefore, it may not be necessary for him to appear before the Court on each and every hearing. She is required to attend only one or two hearings for the purpose of giving evidence before the Court below, if so advised.

4. In view of the above, this Court does not find any merit in this transfer application. Hence, the transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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To

- 1.The Principal Subordinate Court, Ranipet.
- 2.The Principal Subordinate Court, Tiruvannamalai.

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