

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.494 of 2021

and

C.M.P.No.13294 of 2021

G.Gangadaran

... Petitioner / Plaintiff

Vs.

Krishnamurthi (deceased)

Seethapathi (deceased)

Kothandan (deceased)

Venkatesan (deceased)

...Defendants 1 to 4

1. Seetharaman

... Respondent / Defendant No.5

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the suit in O.S.No.63 of 2014 from the file of the Subordinate Court, Arakkonam and transferred to the City Civil Court, Chennai.

For Petitioner : Mr.S.Balasubramaniam for
Mr.G.Dhanasekaran

ORDER

The petitioner who is the plaintiff in O.S.No.63 of 2014, which was filed for declaration, has come up with this present transfer petition, seeking transfer of O.S.No.63 of 2014 to the City Civil Court, Chennai.

2. The learned counsel for the petitioner would submit that the suit in O.S.No.63 of 2014 is pending in trial stage before the Subordinate Court, Arakkonam. It is the grievance of the petitioner that the respondent being an influential person in Arakkonam, threatening the petitioner to withdraw the said suit and attacked the petitioner. Hence, he could not come to the trial Court to give evidence and there is a threat to his life by the respondent. In support of his contention, the petitioner has produced the copy of the first information report registered against the respondent herein.

3. Despite service, the respondent has not chosen to appear in person or through counsel duly instructed.

4. The petitioner has filed this Transfer Original Petition mainly on the ground that there is a threat to his life at the instance of the respondent herein. To substantiate the same, he has also produced a copy of the First Information Report registered against the respondent in FIR No.523/13, dated 03.10.2013 on the file of the G5 Police Station, Melmaruvathur, Kanchipuram District for the offences punishable under Sections 294 (b), 323, 234, 506 (ii) IPC and another FIR registered in FIR No.115/2018, dated 01.03.2018 on the file of the Arakonam Police Station, Vellore for the offences punishable under Sections 341, 294(b) and 307 of IPC. Therefore, it could be seen that the apprehension raised by the petitioner is imminent and it cannot be simply brushed aside by this Court.

5. Considering the facts and circumstances of this case and in the interest justice, this Transfer Civil Miscellaneous Petition is allowed. Accordingly, the proceedings in O.S.No.63 of 2014 is ordered to be withdrawn from the file of the Subordinate Court, Arakkonam and transferred to the file of City Civil Court, Chennai for disposal in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Subordinate Judge,
Arakkonam.

2. The Registrar,
City Civil Court,
Chennai.

+3ccs to Mr.G.Dhanasekaran, Advocate, S.R.No.38453

Tr.C.M.P.No.494 of 2021
and C.M.P.No.13294 of 2021

PL[co]
NSK/25/07/2022