



Tr.CMP No.753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.753 of 2022

and

C.M.P.No.12821 of 2022

V.Panchatcharam

.. Petitioner

vs.

1.S.Rajan

2.R.Kalaivani

3.R.Ganesan

4.G.Susila

5.R.Ravichandran

.. Respondents

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the suit in OS No.201 of 2018 pending on the file of the Principal District Judge, Chengalpattu and transfer it to III Additional District and Sessions Judge, Vellore @ Tiruppattur or to the any other Competent Court at Tiruppattur, Vellore District.



Tr.CMP No.753 of 2022

WEB COPY

For Petitioner : Mr.S.Abubacker Sidhic

For Respondents-1 and 2 : Mr.C.Sugumar

For Respondents-3 and 4 : Mr.N.Ponraj

For Respondent-5 : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the suit in OS No.201 of 2018 pending on the file of the Principal District Court, Chengalpattu and transfer the same to the file of the III Additional District and Sessions Court, Vellore @ Tiruppattur or to the any other Competent Court at Tiruppattur, Vellore District.

2. The petitioner is the first defendant in the suit instituted by the respondents for recovery of money. The suit was instituted in the year 2018 and initially an ex parte decree was passed. Subsequently, the petitioner filed



Tr.CMP No.753 of 2022

an Interlocutory Application to set aside the ex parte decree, which was allowed and as of now, the suit is pending.

3. The grievance of the petitioner is that he is the senior citizen residing at Tiruppattur and thus not in a position to travel and contest the civil suit instituted by the respondents.

4. The learned counsel for the petitioner raised the grounds on merits and this Court is of an opinion that all such merits are to be adjudicated in the suit based on the documents and evidences. Such an adjudication is impermissible in a Transfer Petition filed to transfer the case from one Court to the other Court.

5. The learned counsel appearing on behalf respondents 1 and 2 and the learned counsel appearing on behalf of respondent 3 and 4 raised an objection by stating that the petitioner is adopting a tactical approach for the prolongation of the suit and in fact the suit was instituted in the year 2018



Tr.CMP No.753 of 2022

and an ex parte decree was passed. Now after a lapse of about four years, the present Transfer Civil Miscellaneous Petition is filed in order to drag the proceedings and thus the present Transfer Civil Miscellaneous Petition is to be rejected.

6. The transfer of civil suits are to be done only on certain limited grounds. In the present case, the suit was instituted in the year 2018 and for the past about four years, it is pending on the file of the learned Principal District Court, Chengalpattu. Once it was decreed ex parte and subsequently restored and in progress as of now.

7. This being the facts and circumstances, the petitioner has not made out any acceptable ground for the purpose of considering the relief as such sought for in the present Transfer Civil Miscellaneous Petition.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. However, there shall be no order as to costs. Consequently, the



Tr.CMP No.753 of 2022

connected miscellaneous petition is also dismissed.

WEB COPY

14-12-2022

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Svn

To

1.The District Judge,
District Court,
Chengalpattu.

2.The III Additional District and Sessions Judge,
III Additional District and Sessions Court,
Tiruppattur,
Vellore District.



WEB COPY



Tr.CMP No.753 of 2022

S.M.SUBRAMANIAM, J.

Svn

Tr.CMP No.753 of 2022

14-12-2022