



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.No.784/2021 & CMP.No.18315/2021
(Heard through Video Conferencing)

K.Shobana

...Petitioner

Vs

V.Krishnasamy

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.62/2021 on the file of the Court of Subordinate Judge of Connoor, The Nilgiris Distirct, and transfer the same to the Court of the Subordinate Judge of Salem.

For Petitioner : Mr.B.Sridhar
for Mr.M.Senthilkumar

ORDER

- (1) The plaintiff in OS.No.62/2021 seeks transfer of the said suit pending on the file of the Sub Court, Coonoor to the Sub Court, Salem.
- (2) Transfer is sought for mainly on the ground that the petitioner herein, namely the plaintiff in OS.No.62/2021 is a resident of Salem and her daughter is studying in a School at Salem. She would also contend that she is unable to prosecute the suit effectively at Coonoor as her father is creating hurdles and she was also attacked by her father.
- (3) Heard Mr.B.Sridhar, learned counsel appearing for the petitioner.
- (4) The respondent though served, is not appearing either in person or through counsel duly instructed.
- (5) As already pointed out, the suit is one for partition. The property is situate at Coonoor. The plaintiff is the daughter of the defendant. A suit for partition has to be tried at a Court within whose jurisdiction the property is situate. There cannot be a transfer of a suit for



WEB COPY

partition on the ground of convenience or threats. The petitioner has already lodged a complaint with the Superintendent of Police, the Nilgiris, seeking protection. Therefore, I do not see any reason to entertain her request for transfer.

(6) Hence, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Subordinate Judge
Coonoor, The Nilgiris.

+1cc to Mr.M.Senthilkumar, Advocate, S.R.No.4599

Tr.CMP.No.784/2021

PL(CO)
RGA(10/02/2022)