



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.961 of 2019

1.Sri Krishnappa
2.Smt.Venkatalakshmaamma

... Petitioners

Vs

1.Smt.Susheelamma
2.Sri Yadunandanam
3.Smt.V.M.Bhagyalakshmi
4.Sri. V.M.Nagaraja
5.Sri.V.M.Suresh
6.Sri.Venkatappa
7.Smt.Shobhamma
8.Smt.N.Yashodamma
9.M.Jaya
10.M.Rangamma
11.Anumanthappa
12.Muniraja
13.Rangappa
14.Hanumanthappa
15.Ganappa
16.ChikkaAnjanppa
17.Anjanappa
18.Cheneerappa
19.S.Divya
20.N.Leelavathi
21.Nanjundappa

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in Original Suit No.22 of 2017 on the file of the Additional District and Sessions Judge, Hosur and transfer the same to any of the Courts on City Civil Court's Complex, Chennai.

For Petitioner : Mr.M.Thamizhselvam
For Respondents 1 to 5 : Mr.G.M.Anantha Kumar
For Respondents 19 & 20 : Mr.N.Jayakumar
For Respondent 21 : Mr.C.Samuvel



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O R D E R

The above Transfer Civil Miscellaneous Petition is filed by the plaintiffs in the suit O.S.No.22 of 2017 pending on the file of the learned Additional District and Sessions Judge, Hosur to any of the Courts in the City Civil Court's Complex, Chennai.

2. The brief facts are as follows:

It is the case of the plaintiffs/petitioners herein that they had filed O.S.No.22 of 2017 for partition before the the learned Additional District and Sessions Judge, Hosur against 21 defendants who are arrayed as respondents herein. While the suit is pending, their counsel had received two letters at his residence typed in English but using the Kannada words threatening him if he would continue to conduct the above suit. The letter dated 13.06.2019 was delivered on 17.06.2019 showing the address sender as one Sukumar, Denkanikottai Taluk, Krishnagiri District, in which the following words were used:

''NANU E KESHANNU HOZURALLI
NADATHARE NAN NANU
SAYEESUTHARE''

3. Therefore, the petitioners has come forward with this Transfer Civil Miscellaneous Petition stating that he does not want his counsel's life to be put into danger.

4. The respondents who was served had appeared and submitted that the entire allegation contained in the affidavit is a fabricated one and made with mala-fide motives. In fact, the learned counsel would submit that the translation of the so called anonymous letter would mean that the sender would kill himself, if the case is proceeded further.

5. Be that as it may, there has been a threat to the Advocate who has already taken steps to file a complaint before the Police Authority. The counsel who appears for his clients have to be ready to take all such threats as being a part and parcel of their profession. Unless there is any overt action, the threat is nothing but a mere apprehension. The letter is claimed to be anonymous, but, however, it has a sender's address. A threat to the counsel is not a ground for transferring the petition as the party can always engage another counsel. It is rather strange that the person who has sent this letter does not threaten the party who has initiated the proceedings, but, sends a letter addressing and threatening the lawyer who has been engaged to file a case. The reason given appears to be concocted.



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6. Accordingly, this transfer Civil Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

ssn

To

1. The Additional District and Sessions Judge,
Hosur.
- 2.The Principal Judge,
City Civil Court,
Chennai.
- 3.The Section Officer,
V.R.Section,
High Court, Madras.

Tr.C.M.P.No.961 of 2019

NMI (CO)
CB(02/05/2022)