



TR.C.M.P(MD).No.275 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.275 of 2022

and

C.M.P(MD).No.4649 of 2022

1. Kamal Gupta
Managing Director,
Poly Plastics Auto Components Pvt. Ltd.,
Chennai.

2. Dulloo,
Authorized Representative,
Poly Plastics Auto Components Pvt. Ltd.,
Chennai.

... Petitioners

versus

Marimuthu

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to withdraw and transfer the case in O.S.No.6 of 2018 on the file of the learned Principal District Judge, Tuticorin to be tried along with O.S.No.5121 of 2019, pending on the file of XVII Additional City Civil Court at Chennai.



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For Petitioners : Mr.A.B.Fathima Sulthana

For Respondent : Mr.P.Banu Prasath

ORDER

The Transfer Civil Miscellaneous Petition is filed seeking transfer of O.S.No.6 of 2018, which is pending on the file of the Principal District Court, Tuticorin, to the file of XVII Additional City Civil Court, Chennai, to be tried along with O.S.No.5121 of 2019.

2. The petitioners herein are defendants in O.S.No.6 of 2018. The respondent herein filed a suit in O.S.No.6 of 2018 before the Principal District Court, Tuticorin, for recovery of money. The grievance of the petitioners is that the entire contract took place at Chennai. Therefore, the suit in O.S.No.6 of 2018, which is pending on the file of the Principal District Court, Tuticorin, has to be transferred to the file of XVII Additional City Civil Court, Chennai, where the petitioners herein filed a suit in O.S.No.5121 of 2019, for damages and



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also for permanent injunction.

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3. The petitioners herein have raised a plea with regard to the jurisdiction. It is always open to them to raise it as a issue before the trial Court in the written statement.

4. On this ground, this Court is not inclined to transfer the suit in O.S.No.6 of 2018 from the file of the Principal District Court, Tuticorin, to the file of XVII Additional City Civil Court, Chennai,

5. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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B.PUGALENDHI, J.

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To

1. The learned Principal District Judge,
Tuticorin.

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