



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

WEB COPY

TR.CMP(MD)No.493 of 2021

and

CMP(MD) No.9180 of 2021

S.Kayalvizhi

: Petitioner/Plaintiff

Vs.

1.M.Mallika

2.M.Arun Mozhi

3.M.Mohan Prakash

4.The Branch Manager,
City Union Bank,
2/318, Gandhiji Road, SPM Colony,
Paramakudi - 623 707.

: Respondents/Defendant

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the proceedings of the Original Suit in OS.No.60 of 2021 from the file of the Additional District Court (Fast Track), Paramakudi and transfer the same to the file of any other competent Court at Chennai.

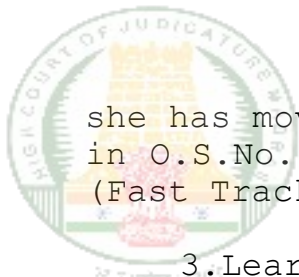
For Petitioner : Mrs.S.Kayalvizhi
Party-in-person

For Respondents : Mr.Raja Karthikeyan
for R.1 to R.3
Mr.R.Pandivel
for R.4

ORDER

The petitioner has filed a suit for partition in O.S.No.60 of 2021, as against her mother, brother and sister, before the Additional District Court (Fast Track), Paramakudi, and the same is pending consideration.

2.According to the petitioner, she is a native of Paramakudi and she got married with one Selvakumar, in the year 2003, who belongs to a different community. Her father accepted their inter-caste marriage, but the rest of the relatives did not accept the same and posed threat to the petitioner and her husband. Therefore, she is living with her husband at Chennai. According to the petitioner, there was a strained relationship between her and her family members and they have not even informed her about the demise of her father, due to the communal grudge. The petitioner apprehends some danger, if she attend the Court at Paramakudi and therefore,



she has moved the instant application to transfer the partition suit in O.S.No.60 of 2021 from the file of the Additional District Court (Fast Track), Paramakudi to any other Court in Chennai.

3.Learned Counsel appearing for the respondents 1 to 3 submitted that the apprehension of the petitioner is unwarranted and that the petitioner has moved this application to harass them. The marriage of the petitioner took place in the year 2003 and there is no untoward incident, since then. Not even a single incident has been referred by the petitioner to show that she is having a threat. Moreover, the suit for partition has to be contested on documents, through an Advocate and the presence of the petitioner is required only for taking her evidence. Therefore, he prayed for dismissing this application.

4.Learned Counsel appearing for the fourth respondent / bank submitted that in a suit for partition, the presence of the parties is not required, excepting for evidence and therefore, this application is unwarranted.

5.This Court paid it's anxious consideration to the rival submissions made and also perused the materials.

6.The fact remains that the petitioner's marriage is an inter-caste one and after the marriage, she is not in speaking terms with her family members. Though the respondents 1 to 3 disputed that there is no threat to the petitioner, they have not disputed about their strained relationship with the petitioner. Considering the above situation and since the petitioner claims to be having a threat in a sensitive place, this Court, in order to avoid any friction between the parties, is inclined to allow this application.

7.Accordingly, this application is allowed and the suit is O.S.No.60 of 2021 is withdrawn from the file of the Additional District Court (Fast Track), Paramakudi and transferred to the file of the Principal District Court, Tiruchirappalli. The learned Principal District Judge, Tiruchirappalli shall allot the case to the competent Court for trial and disposal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



gk

To

1.The Additional District Judge,
Fast Track Court,
Paramakudi.

2.The Principal District Judge,
Tiruchirappalli.

+1 CC to M/s.S. KAYALVIZHI -PARTY IN PERSON, Advocate (SR-26480[F]
dated 17/06/2022)

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16.06.2022

SS(27/06/2022) 3P 4C