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Tr.C.M.P.No.531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.531 of 2023

and

C.M.P.No.12473 of 2023

G.Lakshmi

... Petitioner

Vs.

G.Ramalinga Sethupathy

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.59 of 2022 pending on the file of the Additional District Court, Dindigul and transfer the same to Additional City Civil Court, Chennai.

For Petitioner : Mr.B.Mohan

ORDER

Mr.B.Mohan, learned counsel for the petitioner and perused the records.

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2. This petition is filed seeking to withdraw O.S.No.59 of 2022 from the file of the Additional District Court, Dindigul and transfer the same to the file of the Additional City Civil Court, Chennai, on the ground that there are certain disputes between the petitioner/wife and the respondent/husband, who is the plaintiff in O.S.No.59 of 2022 and in order to settle the dispute, a false case has been foisted against the petitioner/defendant for recovery of money.

3. Learned counsel for the petitioner submitted that the respondent is a stranger to the petitioner and no way connected with the case. It is further submitted that the very intention of the respondent/plaintiff is only to see whenever the petitioner appears before the Court during the proceedings in O.S.No.59 of 2022, the respondent can abduct the petitioner.

4. In case if the petitioner feels apprehension, in the hands of the respondent, she can certainly engage a counsel to represent her case. Whenever the presence of the petitioner is required in respect of recording



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evidence, the petitioner can also explore the possibility of filing an application for appointing an Advocate Commissioner to record her evidence. The petitioner can also get herself examined through video-conferencing by getting permission from the Court. Therefore, this Court is of the opinion that the reasons explained by the petitioner seeking to transfer O.S.No.59 of 2022 from the file of the Additional District Court, Dindigul to the file of the Additional City Civil Court, Chennai, are not tenable.

5. In light of the above facts and circumstances, this transfer miscellaneous petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

ms/mvs.



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DR.D.NAGARJUN, J.,

ms/mvs.

To

- 1.The Additional District Judge,
Dindigul.
- 2.The Additional City Civil Court,
Chennai.

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