



C.R.P.No.3138 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.3138 of 2019
and C.M.P.No.20540 of 2019

Komathi

.. Petitioner

Vs.

Gnanamani

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and Final order dated 11.7.2019 passed in Tr.O.P.No.9 of 2019 on the file of the Principal District Judge, Vellore, Vellore District by allowing the present Revision.

For Petitioner : Mr.M.Karthik

For Respondent : Notice served
No appearance

ORDER

This Civil Revision Petition has been filed as against the Fair and Final order dated 11.7.2019 passed in Tr.O.P.No.9 of 2019 on the file of the learned Principal District Judge, Vellore, Vellore District, thereby dismissing the petition for transfer of suit for recovery of money.

2. Heard the learned counsel for the petitioner. Though, notice was



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served on the respondent and his name has been printed, today, no one appeared on behalf of the respondent in person or through pleader.

3. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed a suit for recovery of money as against the respondent. Pending suit, her husband was murdered by the accused persons. Therefore, she cannot conduct Trial before the Trial Court, since the accused persons also murdered the complainant, who was the main witness to the murder case. Therefore, she apprehends on the hands of the accused persons. However, the Court below dismissed the transfer petition.

4. Considering the above facts and circumstances of the case, O.S.No.46 of 2016 is withdrawn from the file of the learned Subordinate Judge, Arakkonam and transferred to the file of the Sub Court, Ranipet. The Sub Court, Ranipet is directed to follow the procedure and proceed with the suit.

5. Accordingly, the order passed in Tr.O.P.No.9 of 2019 dated



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11.07.2019 on the file of the learned Principal District Judge, Vellore,
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Vellore District, is hereby set aside. The Civil Revision Petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

02.03.2023

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
mn

G.K.ILANTHIRAIYAN,J.

mn



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To

1. The Principal District Judge, Vellore, Vellore District.
2. The Sub Court, Ranipet.

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