



TR.C.M.P(MD).No.37 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.37 of 2023

and

C.M.P(MD).No.797 of 2023

K.S.Mounagururaja

... Petitioner

v.

R.Sivakumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the case in O.S.No.122 of 2016 pending before the Additional District Court (Fast Track Court), Palani and transfer the same to the Principal District Court, Madurai.

For Petitioner : Mr.K.Sureshkumar



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in O.S.No.122 of 2016 from the file of the Additional District Court (Fast Track Court), Palani, to the file of the Principal District Court, Madurai.

2.Learned Counsel for the petitioner submitted that the respondent / plaintiff has filed a suit in O.S.No.122 of 2016 before the Principal District Court, Dindigul, seeking recovery of money based on a pro-note, which, according to the petitioner, is not belonging to him. The said suit was transferred and now pending before the Additional District Court (FTC), Palani. The petitioner has incurred heavy loss in his business and therefore, he has filed an insolvency petition in I.P.No.78 of 2016 before the III Sub Court, Madurai. On knowing the same, the debtors are threatening the petitioner and he finds it very difficult to travel from Madurai to Palani. Therefore, he has moved the instant petition.



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3.This Court is not satisfied with the reasons assigned in the affidavit for transferring the case. Though the petitioner's Counsel raised a plea that there is a life threat for the petitioner at Palani, no materials were placed before this Court, viz., complaint, FIR. In the absence of any such materials, this Court is not inclined to entertain this application.

Accordingly, this transfer civil miscellaneous petition stands dismissed.
No costs. Consequently, connected miscellaneous petition stands closed.

Index : Yes / No
Internet: Yes / No
gk

27.01.2023

To

1. The Judge,
Additional District Court (FTC),
Palani.
2. The Judge,
Principal District Court,
Madurai.

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B.PUGALENDHI, J.

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