



Tr.C.M.P.(MD)No.178 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.178 of 2022

and

C.M.P.(MD)No.3180 of 2022

M/s.Duo Plus Marketing,
Rep. By its Proprietrix,
Mrs.Vijayalakshmi,
5/428, Kumaran Street,
Tahsildar Nagar,
Madurai – 625 020.

.. Petitioner

Versus

HDFC Bank Ltd.,
Department for Special Operations,
Rep. By its Senior Manager,
Mr.S.Surender,
Prince Khushal Towers,
7th Floor, B-Wing, No.96, Annasalai,
Chennai – 600 002.

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the suit in O.S.No. 336 of 2022, on the file of the XVI Assistant City Civil Court at Chennai and transfer the same to the file of the Principal Sub-Court, Madurai.

For Petitioner : Mr.M.V.Manibabu

For Respondent : Mr.K.Govindarajan



ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.336 of 2022, on the file of the XVI Assistant City Civil Court at Chennai and transfer the same to the file of the Principal Sub-Court, Madurai.

2. Mr.K.Govindarajan, learned counsel appearing for the respondent/HDFC Bank Ltd., submits that the application filed for transferring the suit from the file of the XVI Assistant City Civil Court, Chennai, to the file of the Principal Sub-Court, Madurai, is not maintainable, as the entire cause of action has arisen only at Chennai.

3. On going through the averments made in the plaint, it is evident that the loan was borrowed by the petitioner at Madurai and therefore, the suit should have been filed within the jurisdiction of the Court in Madurai, in terms of Section 16 of C.P.C.

4. Being satisfied with the reasons stated in the Transfer Civil Miscellaneous Petition, this Court is inclined to allow this Petition, by directing withdrawal of O.S.No.336 of 2022, on the file of the XVI Additional City Civil Court, Chennai and transfer the same to the Principal Sub-Court, Madurai, for further proceedings, provided the suit has not been decreed so far. The learned Judge, XVI Assistant City Civil Court, Chennai, is directed to transmit the file to the Principal Sub-Court, Madurai, provided, the suit has not been decreed so far.



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5. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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06.03.2023

To

1.The Judge,
XVI Assistant City Civil Court,
Chennai.

2.The Principal Sub-Judge,
Madurai.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.178 of 2022

06.03.2023