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Tr CMP (MD) No.602 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P.(MD) No.602 of 2022
and
CMP(MD).No.9695 of 2022

P.Karungan

... Petitioner

-VS-

K.Malaieswaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.199 of 2022 on the file of the 2nd Additional District Judge, Thiruchirappalli and to transfer the same to the District Judge, Sivagangai.

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.R.Narendran



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed by the defendant in a suit for recovery of money.

2.The plaintiff had filed a suit for recovery of money based upon a pro-note dated 05.10.2021 said to have been executed by his father. According to the plaintiff, his father is said to have executed a suit pro-note at Trichy and hence, the cause of action had arisen within the jurisdiction of Trichy District. On the said fact, the plaintiff has filed O.S.No.199 of 2022 before the District Court, Trichy.

3.The father has filed the present Tr.CMP seeking to transfer the same to the Sivagangai District on the ground that due to his old age, he is not in a position to travel to Trichy for every hearing. That apart, both the witnesses in the suit pro-note are from Panangadi, Sivagangai District. Therefore, he has filed the present Transfer petition to transfer the suit from District Court, Trichy to District Court, Sivagangai.

4.Per contra, the learned counsel appearing for the respondent/plaintiff had contended that his father is hale and healthy and he could attend all the



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hearings at Trichy. The suit is posted for trial. At this stage, the suit may not be transferred to Sivagangai.

5.I have considered the submissions made on either side and perused the materials available on record.

6. Considering the relationship of the parties, age of the defendant in a suit and also the fact that the attestors of the suit pro-note are in Sivagangai District, this Court is inclined to allow the transfer civil miscellaneous petition. Accordingly, this Tr.CMP is allowed. The District Judge, Sivagangai shall dispose of the suit on or before 31.12.2023. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

Internet : Yes / No

Index : Yes / No

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To:

- 1.The District Judge, Trichy.
2. The District Judge, Sivagangai

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R.VIJAYAKUMAR, J.

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Common Order made in
Tr.C.M.P.(MD) No.602 of 2022
and
CMP(MD).No.9695 of 2022

Dated:

22.02.2023