



Tr.C.M.P.No.492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr.C.M.P.No.492 of 2024

Gayathri Srikanth : Petitioner

versus

P.Sivaraman : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in O.S.No.103 of 2024 on the file of the Sub Court, Thirukovilur, Villupuram District and transfer the same to the Sub court, Tambaram, Kanchipuram District.

For Petitioner : Mr.K.Selvaganapathy

For Respondent : Mr.T.K.Saravanan

ORDER

The defendant in the suit for recovery of money is the transfer



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petitioner. She would plead that the money suit itself has come about on account of collusion between one Muthuraman, who is the brother of the plaintiff and the plaintiff. She would state that since Muthuraman is residing within the jurisdiction of the courts at Kancheepuram and she is also residing within the same jurisdiction, the proceeding being the money suit which has been initiated in O.S.No.103 of 2024 should be withdrawn from the Sub Court, Thirukovilur and be transferred to the Sub Court at Kancheepuram.

2. Notice was issued in this application and Mr.T.K.Saravanan entered appearance for the respondent.

3. Mr.T.K.Saravanan would point out that the the suit has been presented for recovery of money on the foot of the promissory notes and that the plaintiff is the permanent resident of Ilandhai Village, which comes within the jurisdiction of the courts in Thirukovilur. He would further point out that the defendant has properties in Thiruvennainallar, which also comes within the jurisdiction of the Sub Court at Thirukovilur. He would also point out that the petitioner/defendant was set exparte on 09.08.2024 and therefore, he prayed for dismissal of the petition.



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4. I have heard both sides and considered the arguments.

5. It is the case of the plaintiff that the promissory note was executed within the jurisdiction of the Sub Court at Thirukovilur.

6. The mere fact that a non party, who is said to be a person who has instigated the plaintiff, is residing within the jurisdiction of Kancheepuram cannot be ground to withdraw the suit from Thirukovilur and send it to Kancheepuram. It seems to be yet another attempt by the defendant in the money suit to prolong the proceedings.

7. I am not inclined to consider the transfer. It is always open to the transfer petitioner to move an application to set aside the exparte order before the Sub court at Thirukovilur. I am sure if such an application is filed, it will be considered as per the applicable laws.

8. With the above observations, this transfer petition is dismissed. No costs.

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Index : Yes/No

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Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To
The Subordinate Judge, Thirukovilur



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V.LAKSHMINARAYANAN, J.

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