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TR CMP No.808 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.808 of 2023

1.T.Revathi
2.T.Senthalir

... Petitioners

Vs.

Krishnamoorthy

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw OS No.140 of 2020 from the file of the Subordinate Judge, Rasipuram, Namakkal District and transfer the same to Subordinate Court, Tiruppur, Tiruppur District.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.K.Senthilkumar



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw OS No.140 of 2020 from the file of the Subordinate Judge, Rasipuram, Namakkal District and transfer the same to Subordinate Court, Tiruppur, Tiruppur District.

2. The petitioners are the defendants and the respondent is the plaintiff in OS No.140 of 2020 on the file of the Subordinate Judge, Rasipuram, Namakkal District. The respondent herein has filed a suit in OS No.140 of 2020 against the petitioners/defendants for recovery of money of Rs.5,00,000/- by alleging that the husband of the first petitioner and father of the second petitioner has obtained Rs.5,00,000/- as hand loan on 03.08.2018 and the first petitioner's husband has also executed a promissory note on the same day in favour of the respondent. Subsequently, the first petitioner's husband passed away on 02.11.2020. After the death of first petitioner's husband, the respondent has filed the said suit against the petitioner and the daughter of the petitioner. According to the first petitioner,



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her husband, during his lifetime did not obtain any loan from the respondent. The respondent has filed the said suit with false allegation. At present, the first petitioner is residing in Tiruppur District along with the second petitioner. The second petitioner is having a new born. The money suit is pending before the Subordinate Judge, Rasipuram. The said court is 130 KMs away from our residence. Hence, the first petitioner is unable to travel for every hearing along with the second petitioner and her new born. Hence, the present civil revision is filed to withdraw OS No.140 of 2020 from the file of the Subordinate Judge, Rasipuram, Namakkal District and transfer the same to the Subordinate Court, Tiruppur, Tiruppur District.

3. Learned counsel for the petitioner submits that first petitioner is unable to travel for every hearing along with the second petitioner and her new born. Hence, he seeks to transfer the said suit to the Subordinate Court, Tiruppur, Tiruppur District



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4. Learned counsel for the respondent objected to transfer the case on the ground that PW1 was examined and case is pending for cross examination of PW1. Hence, he seeks for dismissal of the Revision.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Considering the fact that the suit was filed based upon a promissory note and since the suit has been filed in the year 2020 and pending for cross examination of plaintiff, the grounds stated in the affidavit for transferring the case to Tiruppur is not acceptable one. Hence, the Tr CMP is dismissed with a direction to the trial court to dispose of the suit in OS No.140 of 2020, within a period of three weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, CMP No.19559 of 2023 is closed.

05.02.2024

Index: Yes/No
Internet: Yes/No
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To
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- 1.The Subordinate Judge, Rasipuram, Namakkal District
- 2.The Subordinate Court, Tiruppur, Tiruppur District.

V.SIVAGNANAM, J.,



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