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Tr.C.M.P.No.1191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

Tr.C.M.P.No.1191 of 2024  
and C.M.P.No.25968 of 2024

K.Muthu

.. Petitioner

Vs.

The Professional Couriers,  
Franchisee of Salem Division,  
Represented by its General Manager,  
K.Muthu, S/o. Kalimuthu,  
Regional Office at  
128-A, Siddhar Koil main road,  
Kandampatty By-pass,  
Salem-636 005.

.. Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.4474 of 2019 pending on the file of the learned IV Additional Judge, City Civil Court at Chennai and to transfer the same to the file of the District Court at Salem.

For Petitioner : Mr. S.T.Bharath Gowtham

**ORDER**



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This petition for transfer seeks transfer of O.S.No.4474 of 2019 on the file of the IV Additional City Civil Court at Chennai to the file of the District Court in Salem.

2. The respondent is the plaintiff. The suit was originally transferred before the Original Side of this Court as C.S.No.546 of 2016. Subsequently, due to the enhancement of the pecuniary jurisdiction of the City Civil Court, the suit stood transferred to that Court and was re-numbered as O.S.No.4474 of 2019. C.S.No.546 of 2016 is a suit for damages based on alleged acts of defamation. The defendant/petitioner herein has filed an application seeking for rejection of the plaint. The said application is pending in I.A.No.1 of 2019.

3. Mr. S.T.Bharath Gowtham argues that if the suit is transferred to the file of the Courts in Salem, it will be convenient for the defendant to defend the same. He pleads that the defendant is a senior citizen and has no one to assist him. He further states that an application in I.A.No.3 of 2024 is also pending for enquiry.



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4. I have considered the plea of the petitioner.

5. The suit has been pending from the year 2016 and in 2024, I am not inclined to transfer the suit to the Court at Salem, which will only delay the proceedings and will increase the agony of the parties. Therefore, I am not entertaining this transfer petition.

6. However, I have to take note of the fact that, as the application for rejection of the plaint is pending for the past five years, the learned IV Additional Judge, City Civil Court at Chennai is requested to take up I.A.No.1 of 2019 along with I.A.No.3 of 2024 for enquiry and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected

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miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

IV Additional Judge, City Civil Court at Chennai.

**V.LAKSHMINARAYANAN,J.**

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