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Tr.C.M.P.No.1142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1142 of 2023 and  
C.M.P.No.27555 of 2023

Akula Lavanya alias Lavanya  
represented by her duly  
constituted Registered Power of Attorney  
Mrs.Akula Lalithamma, residing at  
Door No.11/279, Brahmin Street,  
Santhapet, VTC,  
Nellore Post, Nellore District,  
Andhra Pradesh, Pin Code – 524 001.

... Petitioner

Vs

1.M/s.Sri Thiruvalluvar Kalvi Arakkattalai  
Represented by its Chairperson, Founder and  
Author of Trust cum Trustee, Mrs.Nalina,  
W/o.T.Porpadham, No.306, Theradi Street,  
Hasanamapet & Post, Vembakkam Taluk,  
Thiruvannamalai District  
Pin Code – 604 402.

2.Nalina

3.V.Shanthi

4.T.Karpagam

5.T.Vadivel

6.P.V.Madhavan

7.T.Porpadham

8.Aadhi Bhagawan College of Pharmacy,  
Represented by its Principal,  
(The College run by the Trust namely  
M/s.Sri Thiruvalluvar Kalvi Arakattalai)



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Randham, Cheyyar Taluk,  
Tiruvannamalai District  
Pin Code – 604 407.

9.Kavuri Sravya Krishna alias Sravya  
10.Swathi Priya Kavuri alias Swathi

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the O.S.No.102 of 2022 from the file of the District Court at Tiruvannamalai and the same may be transferred to City Civil Court at Chennai.

For Petitioner : Mr.N.Jothi  
Senior Counsel  
for Mr.S.Vinod

For Respondents : Mr.Jayesh B.Dolia  
Senior Counsel  
for M/s.Aiyar & Dolia for R1 to R8

: Mr.N.Manoharan for R9 & R10

### **ORDER**

This proceeding relates to transfer of O.S.No.102 of 2022 now pending on the file of the District Court at Tiruvannamalai to the City Civil Court at Chennai.

2. The petitioner Akula Lavanya @ Lavanya is represented by the power of attorney, one Akula Lalithamma, who is a permanent resident of Santhapet in Nellore District. As the power of attorney, she has instituted



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a suit under Section 92 of the Code of Civil Procedure as against the 1<sup>st</sup> respondent Trust. The 1<sup>st</sup> respondent Trust is registered at Vembakkam Taluk which falls within the jurisdictional limits of the Courts at Thiruvannamalai. Hence, the suit was filed before the District Court at Thiruvannamalai.

3. The petitioner has moved this transfer on the ground that she is unable to travel from Nellore to Thiruvannamalai which is of considerable distance. She would go on to plead that the other side also finds it difficult to travel from Chennai to Thiruvannamalai to conduct the case.

4. Mr.Jayesh B.Dolia, learned Senior Counsel appearing for the contesting respondents would submit that the convenience of lawyers cannot be a ground for transfer of the litigation. He would further point out that the plaintiff is a permanent resident of the United States of America and she is represented only by a power of attorney and therefore, the suit can continue to be on the file of the District Court at Thiruvannamalai.

5. Vembakkam is a place which is on the fringe limits of the Courts



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at Thiruvannamalai. Geographically, it is closer to the Courts at Kanchipuram than at Thiruvannamalai. The matter being one under Section 92, production of records will be essential for the purpose of conduct of litigation. If the records have to be hauled all away from Vembakkam to Thiruvannamalai, prejudice will be caused to the parties. Mr.N.Jothi will request that the proceeding be transferred to City Civil Court in Chennai. Chennai is too distant either from Vembakkam or Thiruvannamalai. It will only be convenient to the plaintiff's Power of Attorney who can travel from Nellore to Chennai directly. An order of transfer should balance interest of both the parties. Therefore, I reject the prayer of the learned Senior Counsel, Mr.N.Jothi appearing for the petitioner that the suit be transferred to City Civil Court at Chennai.

6. I am of the view that if the proceedings are transferred to a place which is closer to where the Trust has been established, it will be convenient to both parties. Kanchipuram is well connected and it is closer than Thiruvannamalai, and therefore no prejudice will be caused to the petitioner. Similarly, Kanchipuram being less than 25 kms from Vembakkam, it will also be helpful to the Trust and the Trustees to travel and to litigate the matter at Kanchipuram.



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7. Taking the overall circumstances, O.S.No.102 of 2022 now pending on the file of the District Court at Thiruvannamalai is withdrawn and transferred to the file of the Principal District Judge at Kancheepuram.

8. With the above direction, the Tr.C.M.P. stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The District Court,  
Tiruvannamalai

2.The Principal District Court,  
Kancheepuram.



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V. LAKSHMINARAYANAN, J.

Sgl

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