



Tr.CMP.No.23 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.23 of 2023

and

C.M.P.No.811 of 2023

Kanmani T V

.. Petitioner

Vs.

1.T.S.Velusamy

2.T.S.Anbalagan

3.The Sub Registrar,
Pallipattu

4.T.V.Nitthiya

5.T.V.Ammu

6.T.V.Iyyappan

7.T.V.Agila

8.T.V.Kamala

.. Respondents



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Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.110 of 2016 from the file of the District Munsif Court at Pallipattu and transfer the same to the file of the City Civil Court at Chennai.

For Petitioner : Mr.G.Appavu

For R1 : Refused

For R2 : M/s.S.Naveenha Devi

For R3 : M/s.Surya
Additional Government Pleader

For RR4 to 8 : Not necessary parties

ORDER

The first plaintiff in O.S.No.110 of 2016 on the file of the District Munsif Court at Pallipattu seeks transfer of the said suit to the file of the City Civil Court at Chennai.

2. There are totally six plaintiffs in O.S.No.110 of 2016. It is only the 1st plaintiff, who seeks transfer of proceeding.

3. The ground for transfer is that the 1st and the 2nd respondents, who are the defendants in the suit, are accused in a murder case within the limits of SR Puram Police Station at Andhra Pradesh. According to the petitioner,



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the defendants are threatening the plaintiffs to abandon the suit. She would further pleads that she is unable to travel from Chennai to Pallipattu for every hearing.

4. As I have already stated that there are totally six plaintiffs. Out of that six plaintiffs, only one plaintiff wants to transfer the said suit from Pallipattu to Chennai. The property is the subject matter of dispute within the jurisdiction of District Munsif Court at Pallipattu.

5. The fact that the defendants are accused in a murder case is not a ground to transfer the proceeding. Perhaps, because the petitioner is a resident of M.G.R.Nagar in Chennai, she wants the proceeding to be transferred to Chennai to conduct the proceeding at her convenience. In a civil proceeding that the convenience of one party does not matter, especially, in a case, where other 5 plaintiffs have not joined the petitioner in filing this transfer petition.

6. In the light of the above, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is



closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

To

The District Munsif Court,
Pallipattu

V. LAKSHMINARAYANAN, J.



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