



Tr.C.M.P.No.122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Tr.C.M.P.No.122 of 2024

1.N.Valarmathi
2.N.Santhia
3.N.Guhan
4.Kanniathal

... Petitioners

Vs.

1.G.Prakash
2.The State Bank of Bikaner and Jaipur,
Thiruppur Branch,
Represented by its Branch Manager,
Having its Place of Business and Administration Office at
No.58, Municipal Office Road, Tiruppur Town, Tiruppur Taluk,
Tiruppur District- 641 604.

3.K.Muthusamy
4.V.Iyyanar

...Respondents

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the suit in OS No.207 of 2014 on the file of the Learned I Additional District Judge of Salem and transfer the same to the Learned Principal District Judge, Tiruppur.



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WEB COPY For Petitioners

: Mr.Sanjay N Gandhi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the suit in OS No.207 of 2014 on the file of the Learned I Additional District Judge of Salem and transfer the same to the Learned Principal District Judge, Tiruppur.

2. Learned counsel for the petitioners submits that due to old age of the petitioner, she is not able to attend the hearing before the Learned I Additional District Judge of Salem. Further, the petitioners 2 and 3 are married and living in a separate household along with their family. The fourth petitioner is 72 years old and she is bed-ridden. Therefore, he she is unable to travel to court. Hence, seeks for withdrawal of OS No.207 of 2014 from the Learned I Additional District Judge of Salem and transfer the same to the Learned Principal District Judge, Tiruppur.



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3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. On a perusal of the prayer in the plaint, it is noticed that the suit is filed with a relief of specific performance of the agreement dated 26.05.2010 against the defendants.

5. The basic principle governing the granting of a petition under Section 24 of the CPC is that the petition is not to be dealt with in a lighthearted manner and transfer of the case from one court to another should not be granted readily from any fancied motion of the petitioning litigant because of the reason that such transfer of a case from one judge to another in effect casts doubt on the integrity, competence and reputation of the concerned judge. Unless and until a sufficiently cogent ground is disclosed, transfer should not be allowed as a matter of course.



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6. Further, on a perusal of the affidavit filed by the petitioners, I find no valid ground for transferring the case from the Learned I Additional District Judge of Salem to the Learned Principal District Judge, Tiruppur as sought for. I find no merit in the Revision. Hence, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, CMP No.2625 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
mrn



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To

1. The I Additional District Judge of Salem
2. The Principal District Judge, Tiruppur.



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V.SIVAGNANAM, J.

(mrn)

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