



TR.CMP(MD).No.256 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.256 of 2021 and
CMP(MD).No.5091 of 2021

S.Muruganantham

... Petitioner

Vs.

K.Santhi

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the learned Additional District Judge, Paramakudi in A.S.No.44 of 2018 and transfer the same to some other competent Court at Tuticorin.

For Petitioner : Mr.G. Kannan

For respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in A.S.No.44 of 2018 on the file of the learned Additional District Judge, Paramakudi and transfer the same to some other competent Court at Tuticorin.



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2. The learned counsel appearing for the petitioner submitted that the petitioner herein has filed a suit in O.S.No.43 of 2020 on the file of Sub Court, Paramakudi and the same was decreed on 21.05.2016. Against which, the respondent herein filed an appeal suit in A.S.No.44 of 2018 on the file of the Additional District Court, Paramakudi. He would further submit that the petitioner was affected with Covid-19 disease since 2019 and aged about 63 years and at present living at Tuticorin along with his deceased wife. Further, he is earning only small amount from the shop of betel leaf and hence, it is very difficult for him to travel from Tuticorin to Paramakudi. In such circumstances, he filed the present petition seeking to withdraw the case in A.S.No.44 of 2018 on the file of the learned Additional District Judge, Paramakudi and transfer the same to some other competent Court at Tuticorin.

3. Even though the notice is served upon the respondent, he has not chosen to appear before this Court either in person or through Advocate. So after hearing the learned Counsel for the petitioner, this order is passed.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a age old person, this court is



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inclined to allow this petition.

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5. Accordingly, this Transfer CMP is allowed and the Appeal Suit in A.S.No.44 of 2018 pending on the file of the Additional District Court, Paramakudi is ordered to be withdrawn and transferred to the file of Principal District Court, Tuticorin. The learned Additional District Judge, Paramakudi is directed to transmit the records pertaining to the case in A.S.No.44 of 2018 pending on his file to the transferee Court within a week from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.03.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Additional District Judge, Paramakudi
2. The Principal District Court, Tuticorin



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G.ILANGOVAAN,J.

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