



Tr.C.M.P.(MD).Nos.268 & 300 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).Nos.268 & 300 of 2023
and C.M.P.(MD).Nos.5991 & 6822 of 2023

Tr.C.M.P.(MD).Nos.268 of 2023

1.Rejina @ Valliyammai (Died)

2.Karuppasamy

3.Muthuramalingam

4.Selvam

5.Andhonyammal

6.Yagaselvi

7.Kavitha

8.Mariyammal

... Petitioners/Plaintiffs

Vs.

1.Muthurayar

2.Manimuthu

... Respondents/Defendants

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the case O.S.No.95 of 2017 on the file of the Additional District Munsif Court, Aruppukottai, Virudhunagar District to the District Munsif Court,



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Madurai, Madurai District.

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For Petitioners : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.V.Sasikumar

Tr.C.M.P.(MD).Nos.268 of 2023

1.Rejina @ Valliyammai (Died)

2.Karuppasamy

3.Muthuramalingam

4.Selvam

5.Andhonyammal

6.Yagaselvi

7.Kavitha

8.Mariyammal

... Petitioners/Defendants

Vs.

1.Sesumudiyappan (Died),

2.Amirtham (Died),

3.Jeyakani

4.Sakayaselvi

5.Muthurayar

6.Anthony Muthu

7.Alphons

... Respondents/Plaintiffs

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the case O.S.No. 359 of 2005 on the file of the Additional District Munsif Court,

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Aruppukottai, Virudhunagar District to the District Munsif Court,
Madurai, Madurai District.

For Petitioners : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.V.Sasikumar

ORDER

These petitions have been filed to withdraw and transfer the case O.S.Nos.95 of 2017 and 359 of 2005 on the file of the Additional District Munsif Court, Aruppukottai, Virudhunagar District to the District Munsif Court, Madurai, Madurai District.

2.Suit in O.S.No.95 of 2017 was filed by the plaintiff. Now it is pending on the file of the Additional District Munsif Court, Aruppukottai, Virudhunagar District. The suit was filed for the relief of declaration and consequential injunction, etc. Another suit in O.S.No. 359 of 2005 is also filed by the plaintiff namely, the present petitioner herein seeking the relief of declaration and consequential injunction. Pending both the suits now complaint is made by the petitioners against the then Presiding Officer, stating that during the course of the cross examination, she was not allowed to speak freely by the Presiding



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Officer. They were also threatened by the respondent's counsel in the open Court. Apart from that he has also stated that she is apprehending life threat at the hands of the respondent at the time of appearing before the trial Court.

3.Heard both sides.

4.Now it has been submitted that the concerned Judicial Officer has now been transferred and new Officer has come on to that post. So that the first ground is not available. Regarding the second ground that life threat was made to the petitioners at the time of appearing before the Court is also without any basis. If it so the petitioners ought to have made complaint either before the concerned Judge himself or before the police authorities. No such action was taken by the petitioners. Simply stating that they are apprehending life threat, may not be proper and valid reason to withdraw the suit and transfer the same to some other Court. Transferring the proceedings is a serious matter which must be based on proper reason. Without any proper reason and base, these petitions have been filed.



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5.In view of the above, these petitions are liable to be dismissed.

Accordingly, these transfer miscellaneous petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Additional District Munsif Court, Aruppukottai,
Virudhunagar District.
- 2.The District Munsif Court, Madurai, Madurai District.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

TM

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