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Tr.C.M.P(MD)No.452 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.09.2024

Pronounced on : 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.452 of 2024

and

C.M.P(MD)No.10185 of 2024

The Director,
Sadik IAS Academy,
No.38, 2nd Avenue Nehru Nagar,
Thirumangalam,
Anna Nagar West,
Chennai – 600 040.

... Petitioner

Vs.

Androse

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer O.S.No.34 of 2024 on the file of the District Munsif Court, Pudukkottai to the City Civil Court, Chennai.

For Petitioner : Ms.S.Akila
For Respondent : Mr.N.Kamesh

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in O.S.No.34 of 2024 on the file of the District Munsif Court, Pudukkottai and to transfer the same to the file of the City Civil Court, Chennai.



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2. The facts of the case:

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The petitioner "Sadik IAS Academy" is running a coaching institute in Chennai and conducting coaching classes for all competitive examinations. The respondent is a bachelor degree holder. He was anxious to be a government employee. On seeing the advertisement of the petitioner's Academy, he approached over cellphone and after talks, he paid Rs.50,000/- through GPay on 18.05.2023. He attended the class only two days i.e., on 21.06.2023 and 22.06.2023, thereafter, he was unable to attend the class due to his ill health and discontinued. As per the terms, the respondent demanded refund of the amount paid, but it was declined. Hence, the respondent filed a suit in O.S.No.34 of 2024 before the District Munsif Court, Pudukottai.

3. The learned counsel for the petitioner submitted that the petitioner is running an IAS Academy and conducting coaching classes for all competitive examinations, which is situated at Chennai. The respondent wanted to join the class and the fee was reduced to Rs.50,000/- from Rs.1,00,000/- as the respondent belongs to a weaker section and books and materials were supplied to him and the respondent attended the class. He discontinued the class and later threatened to



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repay the fee and then filed the suit. All transactions took place at Chennai and not at Pudukottai. Hence, the District Munsif Court, Pudukottai has no jurisdiction and the suit may be transferred to the Chennai City Civil Court.

4. The learned counsel for the respondent would submit that the respondent is residing at Pudukottai and he contacted the petitioner from Pudukottai. Moreover, the respondent paid the amount through Gpay from Pudukottai. The suit filed by the respondent was verified and after convincing, the suit was taken on file by the District Munsif Court, Pudukottai. Moreover, there is a provision available in Order 7 Rule 11 of the Civil Procedure Code, to seek remedy in case, the suit is out of the jurisdiction. So, this petition is not maintainable.

5. Heard both sides and perused the records in this petition. The District Munsif Court, Pudukottai has taken the suit on file filed by the respondent on satisfying the jurisdiction of that Court. Moreover, as rightly argued by the learned counsel for the respondent the petitioner can seek remedy by filing the petition under Order 7 Rule 11 of the Civil Procedure Code if the petitioner finds the suit is out of jurisdiction.



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Therefore, this petition has no merits to transfer the suit as sought and the same is liable to be dismissed.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.10.2024

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

VSD

To

- 1.The District Munsif Court,
Pudukottai
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.452 of 2024
and
C.M.P(MD)No.10185 of 2024

16.10.2024