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Tr.CMP.(MD)No.460 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No. 460 of 2023

and

CMP (MD) No. 9944 of 2023

V.Udhayakumar

: Petitioner/Defendant

Vs.

Boominathan

: Respondent/Plaintiff

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 r/w 151 of the Civil Procedure Code, to withdraw and transfer the case from the Additional District Court, Paramakudi, in OS No.56 of 2023 to the Additional District Court, Madurai or some other court and pass such further or order orders.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.A.Vadivel

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in OS No.56 of 2023 from the file of the Additional District Court, Paramakudi to the file of the Additional District Court, Madurai.



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2. The facts in brief:-

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Suit in OS No.56 of 2023 is filed by the respondent herein against this petitioner seeking the relief of recovery of Rs.8,00,000/- with 10% interest and costs, before the Additional District Court, Paramakudi. Pending further process, this petition is filed by the petitioner with the following averments:-

He is doing the real estate business. He approached the respondent on 27/09/2021 for financial help. At that time, the respondent told him that one Shanmugam, who is his relative also doing money lending business. He borrowed a sum of Rs.20,00,000/- from the plaintiff. At that time, he handed over the sale deed, 5 cheque leaves and 5 pro-notes and 5 signed bond papers. He was regular in payment of interest. The entire amount was later settled. He demanded the documents back. He made some excuses. Later he demanded exorbitant interest for returning papers. So he lodged a complaint before the Superintendent of Police on 17/02/2023. After the complaint, the respondent filed a suit in OS No.56 of 2023, He engaged an Advocate to defend the case. Since the respondent is also a practising Advocate, he threatened the other Advocates not to appear for the



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petitioner. On that account, this petition is filed seeking transfer.

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3.Heard both sides.

4.The ground on which this petition came to be filed is that the respondent is a practising Advocate in Additional District Court, Paramakudi. So the Advocates are not appearing for him.

5.Absolutely, I find no substance in the allegations. Simply because the respondent is a practising Advocate before the Additional District Court, Paramakudi, the matter cannot be transferred to some other court.

6.It is also not his case that since no one is coming forward to defend him, he is not in a position to conduct the case, and complaint was given to the concerned trial court. In the absence of any material, mere bald allegation cannot be taken into account. On that account, I find absolutely no reason to entertain this petition.



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

23/02/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Additional District Court,
Paramakudi.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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