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TR CMP No. 736 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

TR CMP No. 736 of 2024

AND

CMP NO. 16230 OF 2024

Shobanadevi

Petitioner(s)

Vs

1. N. Harikrishnan

2.Pushpa

3.The Editor

Malaimalar Daily News Paper,
Cuddalore Town and Munsif

4.The News Reporter

Malaimalar Daily News Paper,
Cuddalore Town and Munsif

Respondent(s)

PRAYER: This transfer civil miscellaneous petition is filed under Section 151 of Civil Procedure Code seeking to withdraw the original suit in OS.No.28 of 2024 on the file of the learned Subordinate Court, Sirkali and transfer the same to the file of the learned Subordinate Court, Cuddalore



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For Petitioner(s): P.Suresh Babu through Video conferencing

For Respondent(s): No appearance

ORDER

The transfer civil miscellaneous petition is filed by the third defendant in O.S.No.28 of 2024 on the file of Sub Court, Sirkali.

2. Despite service of notice, the respondents have not chosen to appear either in person or through his counsel.

3. I have gone through the affidavit of the petitioner seeking transfer of civil suit pending on the file of Sub Court Sirkali. According to the petitioner, the defendant is facing a suit for defamation. In the above said suit a sum of Rs.10 Lakhs was sought for by way of compensation. According to the petitioner, the substantial part of cause of action arose only at Cuddalore and only in order to harass the petitioner and other defendants, the suit has been filed before the Sub Court, Sirkali. The reason for seeking transfer, as set out in the petition is that, the petitioner-third defendant wants to defend the suit



effectively. Therefore, the suit has to be transferred.

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4. I do not see this as a ground for transfer under Section 24 of CPC. If at all it is the grievance of the petitioner that the Court at Sirkali does not have jurisdiction, then it is always open to the petitioner to move an appropriate application under Order 7 Rule 10 of CPC instead, approaching this Court seeking transfer certainly cannot be entertained in a civil suit where no case much less *prima facie* case has been made out under Section 24 of CPC.

5. Accordingly, this transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27-06-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

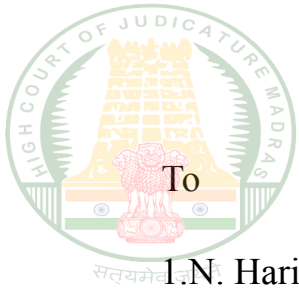
Neutral Citation: Yes/No



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To

1.N. Harikrishnan

WEB S/o Natarajan, NO.1/101, Keela theru,
Semmangudi Village, Sirkali Taluk,
Mayiladuthura District and Munsif

2.Pushpa

W/o Natarajan, No.1/101, Keela Theru,
Semmangudi Village, Sirkali Taluk,
Mayiladuthura District and Munsif

3.The Editor

Malaimalar Daily News Paper,
Cuddalore Town and Munsif

4.The News Reporter

Malaimalar Daily News Paper,
Cuddalore Town and Munsif



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P.B.BALAJI J.

RAP

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