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Tr. CMP.No.139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. CMP.No.139 of 2023

and

C.M.P.No.2970 of 2023

K.Murthy

... Petitioner

Vs.

1.D.K.Jayasudha

Rep. by her Power of Attorney

Mr.N.Kumaran

2.M.Ramani

3.M.Sathyasankari

4.M.Swathy

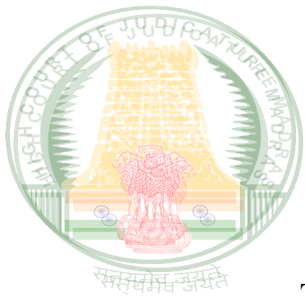
... Respondents

Prayer:- Transfer Petition is filed under Section 24 of the CPC to withdraw and transfer suit in OS.No.34 of 2013 from the file of learned District and Sessions Court, Vellore to the file of the learned Additional District and Sessions Court, Ranipet or any competent Court to try the same.

For Petitioner : M/s.K.Murthy (No appearance)

For Respondent : M/s.V.Srimathi for R.1

: R.2 to R.4 – Not ready in notice



ORDER

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The above Transfer Civil Miscellaneous Petition is filed to transfer suit in OS.No.34 of 2013 from the file of learned District and Sessions Court, Vellore to the file of the learned Additional District and Sessions Court, Ranipet or any competent Court.

2. On the last occasion, the learned counsel for the petitioner, who had entered appearance by change of vakalat, undertook to withdraw the Transfer Civil Miscellaneous Petition. Since the vakalat was not on file, this Court had directed the party to make an endorsement, however, the party had refused to do so.

3. The petitioner has sought for transfer on the following grounds:-

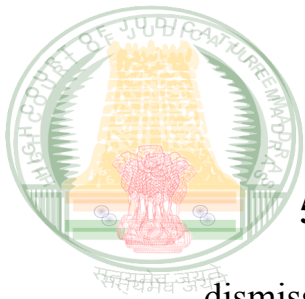
"14. I humbly submit that the entire proceedings of the Suit is one-sided favouring the Respondent herein. Initially the Plaintiff's husband was the 2nd Plaintiff in the Suit. Later they filed interim applications to recognize the 2nd Plaintiff as Power agent, which was allowed by the Learned Trial Court, whereas the Power of Attorney was executed only in the year 2014 only. Later, the Plaintiff also filed a petition to hear Defendant witness



first and the said petition was also allowed. However the petitions filed by the Petitioner/Defendant to set aside ex-parte, to recall witness, to file additional documents, etc., were all either dismissed or returned.

15. I humbly submit that presently the matter is posted for Final Arguments of the Defendant after which Judgement will be passed. If the case is not transferred I would be put to irreparable injury and loss as the plaint property has a good market value that was cheated by the Respondent showing only Rs. 15,00,000/- using my illiteracy, faith and trust. If my case is not proved, my properties would be gone and fair justice would not be attained. The loss occurred cannot be compensated by any means whatsoever in the future."

4. Therefore, the reason for seeking transfer is that the Presiding Officer is favouring the respondents. It is informed that the Presiding Officer has since changed. Therefore, the reason for seeking transfer is no longer available to the petitioner.



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5. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. However, taking note of the fact that the suit is of the year 2013, the learned District and Sessions Court, Vellore is directed to dispose of the same within a period of 6 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

04.03.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District and Sessions Court, Vellore

2.The Additional District and Sessions Court, Ranipet

P.T. ASHA. J.,



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