

Tr.C.M.P(MD)No.166 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.04.2025

Pronounced on : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.166 of 2025

and

C.M.P(MD)No.4187 of 2025

Arulselvam

... Petitioner/Plaintiff

Vs.

A.Ganga @ Amutha

... Respondent/Defendant

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.127 of 2022 on the file of the Principal Subordinate Judge, Karur and transfer the same to the Principal Sub Judge, Coimbatore.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.V.Sukumar



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ORDER

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This petition is filed by the petitioner U/s.24 of CPC., seeking for an order to withdraw the case in O.S.No.127 of 2022 from the file of the Principal Sub Court, Karur and to transfer the same to any other Principal Sub Court, Coimbatore.

2. The learned counsel for the petitioner has submitted that the petitioner has filed the suit in O.S.No.127 of 2022 before the Principal Sub Court, Karur, against the respondent for recovery of money. The respondent has contested the suit. Now, the respondent is practicing as an advocate in the Karur Bar Association and her uncle is also a rowdy element, so the respondent, along with her uncle, used to threaten the petitioner to withdraw the suit and also used to make life threat to the petitioner. The petitioner has lodged two police complaints against the respondent. The petitioner apprehends himself to appear before the Court at Karur. Hence, the petitioner has filed this petition seeking for transfer the case from Karur to Coimbatore.

3. The learned counsel for the respondent has filed a counter and denied the averments of the petitioner. The learned counsel further submitted that the petitioner has been attending the case for more than 25 hearings, when the

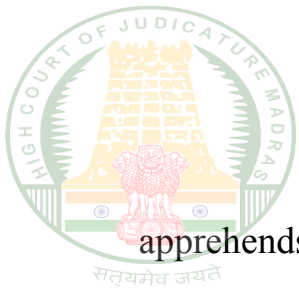


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respondent has filed a petition under Order 7 Rule 11 of CPC., for rejection of complaint as there was no document filed for suit, there is no pronote or cheque said to have issued by the respondent. In the rejection petition, the arguments were over and the petition was adjourned for passing orders. At this stage, the petitioner has filed this petition with false averments. There is no merit, and so, the petition may be dismissed.

4. In reply, the learned counsel for the petitioner submitted that all money transactions were made through Gpay. The respondent submitted that those transactions were made for income tax purposes and the same were returned to the petitioner. The petitioner lastly submits that as he apprehends life threat, the suit may be transferred from Karur to nearby place.

5. On hearing from both sides, it is clear that the petitioner has filed the suit against the respondent for recovery of money. Though both sides have made rival claims in respect of suit money transactions, they could not be decided in this petition and the same can be decided by the trial court after adducing evidences. The petitioner himself filed the suit before the Sub Court, Karur, and now he seeks for transfer of the suit as the respondent is now practicing advocate at Karur Bar Association. This fact is not denied by the respondent. The petitioner



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apprehends life threat in the hands of the respondent and to substantiate the same,

the petitioner filed a copy of police complaints lodged against the respondent.

Anyhow, the petitioner requests for transfer from Karur to nearby place instead of Coimbatore, as he apprehends a life threat. On the respondent's side, there is no strong objection for transferring the case to nearby place. Therefore, considering the above facts and circumstances, this Court is inclined to transfer the suit from the Principal Sub Court, Karur to the Sub Court, Namakkal.

6. Accordingly, this Transfer Civil Miscellaneous Petition is partly allowed. The suit in O.S.No.127 of 2022 on the file of the Principal Sub Court, Karur, is hereby withdrawn and transferred to the file of the Sub Court, Namakkal, for disposal in accordance with law. The learned Principal Sub Judge, Karur, is directed to transmit the entire records pertaining to the case in O.S.No.127 of 2022 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD



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To

- 1.The Principal Sub Court,
Karur.
- 2.The Sub Court,
Namakkal.
- 3.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.166 of 2025
and
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