



Tr.C.M.P(MD).Nos.212 to 214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 19.12.2024

Delivered on : 24.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).Nos.212, 213 and 214 of 2024
and
C.M.P(MD)Nos.4667, 4675 and 4677 of 2024

Tr.C.M.P (MD)No.212 of 2024 :

1.Thangammal

2.R.Chellamuthu

: Petitioners

Vs.

1.Thavamani

2.Vijayalakshmi

3.Latha

4.Sudha

5.Velusamy

6.Pappathi

7.Balasubramani

8.Susila

9.Jayalakshmi

: Respondents



Tr.C.M.P(MD).Nos.212 to 214 of 2024

PRAYER Tr.C.M.P(MD)No.212 of 2024 : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the case in O.S.No.207 of 2023 on the file of the Principal District Munsif Court, Karur and to transfer the said case to any other Sub Court.

Tr.C.M.P (MD)No.213 of 2024 :

1.R.Chellamuthu

2.Thangammal : Petitioners

Vs.

1.S.P.Krishnamurthy

2.Velusamy

3.Pappathi

4.K.Palanisamy

5.P.Makesh kumar : Respondents

PRAYER Tr.C.M.P(MD)No.213 of 2024 : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the case in O.S.No.747 of 2023 on the file of the Principal Sub Court, Karur and to transfer the said case to any other Sub Court.

Tr.C.M.P (MD)No.214 of 2024 :

1.Thangammal

2.R.Chellamuthu : Petitioners



Tr.C.M.P(MD).Nos.212 to 214 of 2024

Vs.

1.S.Kanthasamy

2.N.Balasubramanian

3.Velusamy

4.Pappathi

5.V.Palanisamy

6.N.Kanthan

: Respondents

PRAYER Tr.C.M.P(MD)No.214 of 2024 : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the case in O.S.No.316 of 2023 on the file of the Additional District Munsif Court, Karur and to transfer the said case to any other Sub Court.

For Petitioners : Mr.C.Vakeeswaran,
(in three cases)

(in Tr.CMP(MD)No.212/2024)

For Respondents : Mr.K.Suresh, for R1 to R4.
: No Appearance, for R5 to R9.

(in Tr.CMP(MD)No.213/2024)

For Respondents : Mr.S.Karthick Ram Kumar, for R1.
: Mr.E.K.Kumaresan, for R4.
: No Appearance, for R2 & R3.



Tr.C.M.P(MD).Nos.212 to 214 of 2024

(in Tr.CMP(MD)No.214/2024)

For Respondents : Mr.R.Devaraj, for R1 & R2.

: No Appearance, for R3 to R6.

ORDER

Tr.CMP(MD)No.212/2024 has been filed seeking orders to withdraw the case in O.S.No.207 of 2023 from the file of the Principal District Munsif Court, Karur and to transfer the said case to any other Sub Court.

2. Tr.CMP(MD)No.213/2024 has been filed seeking orders to withdraw the case in O.S.No.747 of 2023 from the file of the Principal Sub Court, Karur and to transfer the said case to any other Sub Court.

3. Tr.CMP(MD)No.214/2024 has been filed seeking orders to withdraw the case in O.S.No.316 of 2023 from the file of the Additional District Munsif Court, Karur and to transfer the said case to any other Sub Court.

4. The defendants 1 and 2 in O.S.Nos.207, 747 and 316 of 2023 are the petitioners in Tr.CMP(MD)Nos.212, 213 and 214 of 2024.



Tr.C.M.P(MD).Nos.212 to 214 of 2024

5. It is not in dispute that the respondents 1 to 4 have filed a suit in O.S.No.207 of 2023 on the file of the Principal District Munsif Court, Karur against the petitioners herein and five others claiming declaration that the settlement deeds and the power of attorney deed, dated 26.12.2012 and 24.01.2013 are null and void and not binding upon the plaintiffs and for permanent injunction restraining the defendants therein from in any manner creating any encumbrance over the suit property and also for permanent injunction restraining the defendants therein from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit property.

6. The first respondent in Tr.CMP(MD)No.213 of 2024 has filed the suit in O.S.No.747 of 2023 against the petitioners and four others to declare that the plaintiff's 1/3rd right over the suit property and for consequential relief of permanent injunction restraining the defendants therein from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit property and for declaration that two settlement deeds, dated 26.12.2012 and 24.01.2013 and the power of attorney deed, dated 24.01.2013 are null and void and for permanent injunction restraining the defendants from creating any encumbrance in respect of the suit property and the same is pending on the file of the Principal Sub Court, Karur.



Tr.C.M.P(MD).Nos.212 to 214 of 2024

WEB COPY

7. The respondents 1 and 2 in Tr.CMP(MD)No.214 of 2024 have filed the suit in O.S.No.316 of 2023 against the petitioners and four others claiming declaration that the settlement deeds, dated 26.12.2012 and 24.01.2013 and power of attorney deed, dated 24.01.2013 are null and void and not binding on the plaintiffs and the fifth defendant therein and for permanent injunction restraining the defendants from in any manner creating any encumbrance in respect of the suit property and also for permanent injunction restraining the defendants therein from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property and the same is pending on the file of the Additional District Munsif Court, Karur.

8. The case of the petitioners is that the plaintiffs in all three suits are family members; that the reliefs claimed in all the suits are one and the same; that the defendants in these suits are the same and as such, all the above suits have to be clubbed together and tried jointly; that the respondents in all the three petitions are all having money and muscle power; that the petitioners due to their old age are residing with their granddaughter Srividya at Sithodu, Erode District; that on 26.02.2024 when the petitioners visited the suit property, some unnamed persons have threatened the petitioners not to enter



Tr.C.M.P(MD).Nos.212 to 214 of 2024

into the suit property and further warned them not to proceed with the suits, threatening to murder them, if they did so; that the petitioners have preferred a complaint on 04.03.2024 before the Superintendent of Police, Karur District, but no action was taken; that on 11.03.2024 when the petitioners came to Karur for attending the case and at about 10.00 am, two unnamed persons have restrained and threatened the petitioners not to conduct the above suits; that the petitioners have preferred a complaint immediately to the Inspector of Police, Pasupathipalayam Police Station, Karur and CSR came to be issued in CSR.No.223 of 2024, dated 18.03.2024; that the above said unnamed persons have threatened the petitioners on two occasions for not to conduct the above cases only on the influence made by the respondents in the transfer petitions and that due to the life threatening made and due to their old age, the petitioners are not in a position to conduct the case in Karur District and that therefore, all the suits may be transferred to any other Sub Court.

9. The respondents 1 and 2 in Tr.CMP(MD)No.214 of 2024 have filed a counter statement raising objections for the transfer and further stated that the first respondent is about 77 years old and the second respondent is about 51 years old; that the above suit was filed on 20.10.2023 and the trial is not yet commenced; that there was absolutely no necessity to threaten the respondents



Tr.C.M.P(MD).Nos.212 to 214 of 2024

or others and that the petitioners have made the above allegations with sole intention to foist a case against the respondents; that the incident alleged to have been occurred 04.03.2024 and 11.03.2024 involving the two unnamed persons never took place; that the first respondent underwent bypass heart surgery in the year 2014 and continues to be under medical treatment; that the first respondent during his continuous treatment suffered a paralytic attack in the year 2022 and as such, the first respondent is not in a position to travel and that the respondents 1 and 2 will put to much hardship and irreparable loss, if the suits are transferred.

10. As already pointed out, out of three suits, one suit is pending before the Principal District Munsif Court and the second suit is pending before the Additional District Munsif Court and the third suit is pending before the Principal Sub Court, all at Karur.

11. The respondents 1 and 2 have specifically denied the two incidents of threatening alleged by the petitioners. According to the petitioners, they were threatened on 26.02.2024 and for the second time on 11.03.2024. Though the petitioners have alleged that they have preferred a complaint before the Superintendent of Police on 04.03.2024 for the incident alleged to



Tr.C.M.P(MD).Nos.212 to 214 of 2024

have occurred on 26.02.2024 and no action on the basis of the said complaint, the petitioners have not chosen to produce the copy of the complaint sent to the Superintendent of Police, Karur District and it is not known as to why the complaint came to be lodged before the Superintendent of Police directly without approaching the jurisdictional Police Station.

12. The learned counsel for the petitioners would submit that for the second incident, they have preferred a complaint before the Inspector of Police, Pasupathipalayam Police Station and the same was received and CSR.No.223 of 2024 came to be registered on 18.03.2024.

13. Admittedly, the transfer petitions came to be filed on 22.03.2024. It is not known that since no action was taken on the basis of the complaint given by the petitioners, whether they have taken any further action by filing a petition under Section 156(3) of Cr.P.C., before the jurisdictional Court or to file a private complaint under Section 200 of Cr.P.C. As rightly contended by the learned counsel for the respondents, except the vague allegations of threatening, the petitioners have not produced any iota of evidence or materials to substantiate the same.



Tr.C.M.P(MD).Nos.212 to 214 of 2024

14. The learned counsel for the petitioners would submit that the suit property in all the suits are situated within the limits of Karur District and that the petitioners have not shown any valid reason or ground to transfer the suits from Karur District to some other District.

15. Just because, the petitioners are residing in Erode District, that by itself is not a ground to transfer the suits from the file of the Karur Courts to some other District. Considering the above, this Court has no hesitation to hold that the petitioners have not made out any ground to transfer the suits. Consequently, this Court concludes that the transfer petitions are absolutely devoid of merits and the same are liable to be dismissed.

16. In the result, these Transfer Civil Miscellaneous Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

24.01.2025

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



Tr.C.M.P(MD).Nos.212 to 214 of 2024

WEB COPY

- To
- 1.The Principal District Munsif, Karur.
 - 2.The Principal Sub Judge, Karur.
 3. The Additional District Munsif, Karur
 - 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD).Nos.212 to 214 of 2024

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).Nos.212, 213 and 214 of 2024
and
C.M.P(MD)Nos.4667, 4675 and 4677 of 2024

24.01.2025