



TR.CMP(MD)No.381 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.381 of 2025

and

C.M.P.(MD)No.10365 of 2025

Maragathavalli

...Petitioner

Vs

1.A.Saravanakumar,
Proprietor,
M/s.A.Saravanakumar,
Represented by his power agent and
Sales Manager of M/s.A.Saravanakumar
T.Lakshmanan)

2.PR.Mills Limited,
Represented by Sharer,
M.Preetha

...Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in C.O.S.No.3 of 2025, from the file of the Principal District Court, Virudhunagar District at Srivilliputhur to the Principal District Court, Erode.

For Petitioner : Mr.A.Ramesh

For R-1 : Mr.A.Sivaji

For R-2 : No Appearance



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ORDER

Heard Mr.A.Ramesh, learned Counsel for Petitioner and Mr.A.Sivaji, learned Counsel for 1st Respondent.

2. This transfer petition is filed to withdraw and transfer the case in C.O.S.No.3 of 2025, from the file of Principal District Court, Virudhunagar District at Srivilliputhur to Principal District Court, Erode.

3. Mr.A.Sivaji, learned Counsel for 1st Respondent, would place reliance on paragraphs 4 and 5 of the counter affidavit and would submit that the present petition lacks merit. Paragraph Nos.4 and 5 of counter affidavit reads as under:

“4. I submit that before the said COS taken on file as per section 12A of Commercial Courts Act, mediation was held at Srivilliputtur, in the said mediation proceedings, the petitioner herein appeared in person for several hearings, this facts was conveniently omitted to mention in the affidavit filed by the petitioner in support of above said petitions. The entire business transaction was carried out within the jurisdiction of Principal District Court, Virudhunagar District at Srivilliputtur. If the prayer of the petitioner is accepted, then it causes



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great prejudice to the 1st respondent and it will lead to multiplicity of proceedings. On receipt of the summons in the COS, on 21.03.2025, the 1st defendant/petitioner herein appeared through her counsel. Till date petitioner herein/1st defendant had not chosen to file written statement. It shows that the petitioner had admitted the execution of mortgage deed and no defence in the suit. As per Order VIII Rule 1 of amended CPC (Commercial Courts) time for filing written statement of the petitioner herein/1st defendant was over. Now the suit is pending for filing written statement of 2nd defendant/2nd respondent herein. Commercial Courts Act is a Special Act and the proceedings under the Act are required to be done only as per the time schedule.

5. The petitioner averred in the affidavit filed in support of the petition that she is aged about 72 years and she is having health complications. To prove the petitioner's health complications, she had not filed any clinching documents. If at all any documents filed at a later stage, those documents would have been concocted one. To the knowledge of this respondent the petitioner have no health complications as alleged in the affidavit. Till date the petitioner herein/1st defendant had not filed any defence/written statement in the commercial suit proceedings and she may not have any valid objection in the said suit proceedings. If at all she wants to



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participate in the suit proceedings, she can appeared through video conference as prescribed by the Hon'ble High Court Vide conference rules. The Hon'ble District Judge, Virudhunagar District at Srivilliputtur has been following the procedures as contemplated in the Commercial Courts Act and rules and there is no harriedness as alleged by the petitioner herein. To drag on the COS proceedings in C.O.S.No.3 of 2025, the petitioner herein filed this vexatious Tr.C.M.P. No cause of action arises within the jurisdiction of the Principal District Court, Erode. Since the petitioner herein had not narrated any valid grounds to transfer the suit in COS No.3 of 2025 on the file of Principal District Judge, Virudhunagar District at Srivilliputtur to Principal District Judge, Erode, the 1st respondent prays that this Hon'ble Court to dismiss the above petitioner's with exemplary costs of this respondent.”

4. Mr.A.Ramesh, learned Counsel for Petitioner after submitting for a brief while would submit that Petitioner do not propose to press this petition.

5. In view thereof, this Court is inclined to dismiss the present petition.



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6. Accordingly, this Transfer Civil Miscellaneous Petition is **dismissed**. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

03.02.2026

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Nsr

To:

1. The Principal District Court, Virudhunagar District at Srivilliputhur.



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MOHAMMED SHAFFIQ, J.

Nsr

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