

**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE,
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,
Presiding Officer (FAC)**

Tuesday, the 03rd day of December, 2024

**E.A.No.2/2024
IN
E.P. No.3 of 2023**

S.Lurthu, age 52,
S/o.Sowridass,
No.14-1, S.Anthoney Street,
Udayanathiram,
Vaniyambadi,
Vellore District – 635 954. Petitioner / Decree Holder

Versus

The Managment,
M.S.Builders,
Mr.Asram,
S/o. Inayathullah,
Mulla Street,
Khaderpet,
Vaniyambadi. Respondent / Judgment Debtor

This Execution Petition is coming on for final hearing on 27.11.2024 in the presence of Thiru.R.C.Appalo Paul, Authorized Representative appearing for the Petitioner, Thiru.K.Umar, Advocate for the respondent and upon hearing the arguments of both side and upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This execution application is filed by the petitioner to transfer this case from the Ambur Camp Court to the Regular Court in Vellore.

1. Petition averments in brief:-

The petitioner states that he is the decree holder in the above Execution Petition and he filed the same based on the award passed in C.P.No.248/2013 and order in W.P.No.18007/2014 to realize a sum of Rs.8,43,536/-. The same is coming up for hearing regularly before the Camp Court at Ambur. The respondent herein took several adjournments without proceeding the case and causing delay in making the payment. Therefore, the decree holder wants to transfer the case to regular court at Vellore for speedy disposal, hence, this petition.

2. Counter averments in brief:-

The respondent in his elaborate counter stated that this petition is not maintainable either on law or on facts. This respondent states that the decree holder has not stated any specific reasons to transfer the case from camp court at Ambur to regular court at Vellore. The respondent further denies the averment made by the petitioner that he is getting adjournments to file the counter and stated that the petitioner is stating irrelevant facts to this case.

The respondent further states that the petitioner residing at Udayenthiram Village within 6 K.M. from Ambur and the respondent is residing 14 K.M. from Ambur. Now the petitioner wants to transfer the case to Vellore which is 70 K.M. away from respondent's place. If this case is transferred to Vellore, not only the petitioner, the respondent and his

counsel will also suffer. There are no merits in the application and therefore he requests for the dismissal of the same.

3. Points for consideration:-

1. Whether this petition is liable to be allowed or not?

After hearing both the counsels and after perusing the petition and counter filed by the respective parties, this court comes to know that the petitioner has filed this Execution Application to transfer this case to regular court, Vellore.

The petitioner based upon the orders in the C.P.No.248/2013 and the W.P.No.18007/2014 has filed the above E.P. for arrest of the J.D./Respondent to realize the amount of Rs.8,63,536/-. Pending E.P. the respondent herein has filed the application to determine the various questions existing between the petitioner and the respondent as well as the jurisdiction of this court. The said application was pending as E.A.No.1/2024 and the respondent herein who filed the above application on 27.10.2013 till date has not chosen to argue the case and the same E.A. is pending for petitioner side arguments. Therefore, to take up the E.A. as early as possible this petitioner now wants to transfer the E.P. from Camp Court at Ambur to regular court in Vellore.

The main reason to transfer the case is, the camp court at Ambur is conducted only for two days in a month. Whereas if the case is transferred to regular court at Vellore, there is every possibility to take up the case on regular basis and the petitioner can expect the result of this Execution Petition as early as possible, for this reason alone the petitioner now wants to transfer the case from Camp Court to regular court.

The respondent by mentioning the distance between the two courts has strongly objected to allow the application. This court on verification of records has found that the respondent herein took several adjournments in arguing the execution application filed by him and this provoked the petitioner to file this transfer application. Admittedly conducting the case at Ambur will be helpful for both the parties, they can save their time and money while conducting the cases at Ambur. The respondent who objected to transfer the case has to show the same interest in arguing the application filed by him. Considering the distance this court does not want to cause hardship to both parties.

Therefore, this application to transfer the case from Camp Court at Ambur to regular court in Vellore is dismissed and the respondent is directed to co-operate with the petitioner as well as with the court to proceed with the application filed by him and to the E.P. With this direction this application is dismissed and no costs.

In the result, this application is dismissed and no order as to costs.

Dictated to the Steno-Typist, typed directly in the Computer, corrected and pronounced by me in the Open Court, on this the 03rd day of December, 2024.

**Sd/- S.Uma Maheswari
Presiding Officer (FAC),
Additional Labour Court,
Vellore.**