



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.1565 of 2015

Jayaraj

.. Petitioner

Vs.

Baskar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 30.01.2015 passed in I.A.No.862 of 2012 in O.S.No.117 of 2012 on the file of the District Munsif Cum Judicial Magistrate Court, Cheranmahadevi.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.H.Arumugam

ORDER

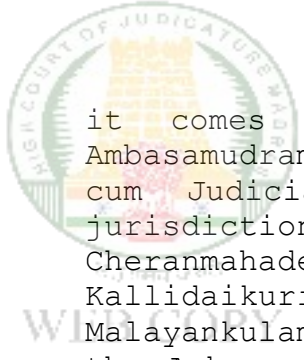
Impugning the order dated 30.01.2015 and made in I.A.No.862 of 2012 in O.S.No.117 of 2012 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, this revision is filed by the petitioner, who is the defendant in the suit.

2. The respondent herein has filed the above suit in O.S.No.117 of 2012 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi as against the revision petitioner/defendant, seeking the relief of declaration and perpetual injunction and also for recovery of possession. During the pendency of the suit, the revision petitioner/defendant has filed an application in I.A.No.862 of 2012, questioning the territorial jurisdiction of the trial court, located in Cheranmahadevi. The learned advocate who was appearing for the petitioner before the Court below had made reference to the circular of this Court dated 30.04.1997 and submitted that the actual territorial jurisdiction to entertain the suit was vested with the District Munsif Court at Ambasamudram. This submission was ignored by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi and subsequently proceeded to dismiss the application. Impugning the said order now the revision is filed.

3. Heard Mr.G.Karnan, learned counsel appearing for the petitioner/defendant. While advancing the argument on behalf of the revision petitioner, he has invited the attention of this Court to the circular issued by this Court and published in the Tamilnadu Government Special Gazette in R.O.C.No.2222/95/G-Judn. department dated 30.04.1997.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is pertinent to note here that the property described in this suit is situated in Malayankulam village. As per the above notification,



it comes under the jurisdiction of the District Munsif Court, Ambasamudram. It is particularly stated that the learned District Munsif cum Judicial Magistrate, Cheranmahadevi shall have exercise local jurisdiction over the entire firkas of Melaseval, Mukkudal, and Cheranmahadevi firkas (except North Kallidaikurichi Village, South Kallidaikurichi part I & II Village, Thimanrajasamudram Village and Malayankulam Village). This notification goes to establish the fact that the Ambasamudram District Munsif Court alone have jurisdiction over the suit property, which is located at Malayankulam Village.

5. This Court has considered the submissions made by the revision petitioner.

6. Having regard to all the related facts and circumstances, this Court finds that the impugned order of the trial court dated 30.01.2015 and made in I.A.No.862 of 2012 in O.S.No.117 of 2012 may be said aside.

7. Accordingly this Civil Revision Petition is allowed and the impugned order dated 30.01.2015 and made in I.A.No.862 of 2012 in O.S.No.117 of 2012 is set aside and the petition in I.A.No.862 of 2012 is allowed. Keeping in view of the circular of this Court dated 30.04.1997, the above suit in O.S.No.117 of 2012 is ordered to be transferred to the file of the learned District Munsif, Ambasamudram from the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, within a period of one week along with entire records. Soon after the receipt of the records, the transferee Court is directed to dispose of O.S.No.117 of 2012 as expeditiously as possible. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The learned District Munsif cum Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.

2.The District Munsif, mAmbasamudram, Tirunelveli District.

+1cc to Mr.G.Karnan, Advocate SR.No.69772

+1cc to Mr.H.Arumugam, Advocate SR.No.69734

C.R.P (MD) No.1565 of 2015
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PJL

NS/PM-MP/21.12.2015 : 2P/5C