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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.04.2015
CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.341 of 2014

G. Vaidurium : Petitioner/Plaintiff

Vs.

1. M. Devadhasan
2. Soundararagavan
3. Jeevanesan
4. Sorna
5. Reena
6. Praveena : Respondents/Defendents

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to allow the above Tr.C.M.P and withdraw the case in O.S.No.122 of 2012 on the file of the Camp Sub court at Thirumangalam and transfer the same to competent Fast Track Court at Madurai.

For Petitioner : Mr.L. Madhusudhanan

For R-2 : Mr. T. Vadivelan
For R-3 : Mr. PT.S. Narendravasan
For R1, 4 and 5 : No appearance

O R D E R

This Tr.C.M.P is filed to withdraw the case in O.S.No.122 of 2012 on the file of the Camp Sub court, Thirumangalam and transfer the same to competent Fast Track Court, Madurai.

2. The petitioner has filed a suit in O.S.No.122 of 2012 for partition of certain properties. Due to value of the property, the suit was filed before the Sub Court, Thirumangalam (Camp Court). Subsequently, the the petitioner by way of amendment included certain other properties for partition. Because of amendment, the value of the suit increased to more than Rs.10,00,000/-. The Sub Court, Thirumangalam (Camp Court) has no pecuniary jurisdiction to try partition suit value of more than Rs.10,00,000/-. Therefore, the petitioner has filed the present petition for transferring the case from the file of the Sub court at Thirumangalam (Camp Court) to any other competent Fast Track Court at Madurai.

3. Notice served on the respondents 1,4,5 and 6 and their names also printed in the cause list. They have not chosen to appear either in person or through their counsel.

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4. The learned counsel appearing for the respondents 2 and 3 have no objection for transferring the case.

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5. Considering the fact that after amendment of plaint and adding of more properties, the value of suit had increased to more than Rs.10,00,000/-. The Sub Court, Thirumangalam (Camp Court) has no pecuniary jurisdiction to try the suit for partition. In such circumstances, the Transfer Civil Miscellaneous Petition is allowed and the suit in O.S.No.122 of 2012 pending on the file of the Sub Court, Thirumangalam (Camp Court) is ordered to be withdrawn and transferred to the file of the IV Additional District Court, Madurai, for disposal in accordance with law. The Sub Court, Thirumangalam (Camp Court) is directed to transmit the entire records pertaining to the case in O.S.No.122 of 2012 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To
1. The Sub-Judge, Thirumangalam (Camp Court)
2.IV Additional District Judge, Madurai,
+1cc to Mr.L.Madhusudhanan,Advocate, SR.No.20461

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