



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.138 of 2015

and

M.P (MD) No.1 of 2015

- 1.Arumuga Nadar
- 2.Madasamy
- 3.Shanthi
- 4.Arunachalam
- 5.Hemalatha
- 6.Dhanapal
- 7.M.Rajeshkannan
- 8.M.Ravikumar

... Petitioners

Vs.

- 1.Jayalakshmi
- 2.Sounthirapandi
- 3.Manickam
- 4.Baskaran
- 5.Saraswathi
- 6.Madathi
- 7.Kalidhasan
- 8.K.Indumathi
- 9.M.Muthuramalingam
- 10.V.V.Kayambu
- 11.V.V.Vadamalai,
- 12.U.Karuppiah
- 13.S.Subramanian

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24(1) of Civil Procedure Code to withdraw the suit in O.S.No.32 of 2014 on the file of the District Munsif Court, Ramanathapuram and to transfer the same to the District Court, Ramanathapuram, which is the competent pecuniary jurisdictional court to dispose of on merits in accordance with law.

For Petitioner : Mr.J.John
For R1,R2 & R5 : Mr.K.R.Laxman
For R3, R7 to R13 : Mr.V.Muthumani
For R4 & R6 : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.32 of 2014, on the file of the District Munsif Court, Ramanathapuram and to transfer the same to the District Court, Ramanathapuram, which is the competent pecuniary jurisdictional court to dispose of on merits in accordance with law.



2. According to the petitioner, the suit properties are worth about more than 6 crores, therefore, the District Munsif Court, Ramanathapuram there is no pecuniary jurisdiction to try the suit. The P.W.1 in his cross-examination has stated that the value of the suit property is more than 6 crores. On the ground of pecuniary jurisdiction, the petitioner seeks transfer of O.S.No.32 of 2014, on the file of the District Munsif Court, Ramanathapuram to District Court, Ramanathapuram.

3. The respondents 1,2 & 5 opposed the transfer petition on the ground that trial has started and the petitioner did not raise the question of pecuniary jurisdiction that District Munsif Court has no jurisdiction to entertain the suit. The trial is in progress, only to drag on the proceedings, the petitioner has come out with the present petition.

4. From the Affidavit filed by the petitioner it is seen that trial has commenced and the P.W.1 being cross-examined. At this stage, the petitioner has come out with the present transfer petition to transfer the O.S.No.32 of 2014 from the file of the District Munsif Court, Ramanathapuram to the file of the District Court, Ramanathapuram.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents Nos.1,2,3,5, 7 to 13.

6. In these circumstances, I am inclined to accept the contentions of the learned counsel for the respondents 1,2 & 5 that the petitioner is only to drag on the proceedings, filed the Transfer Civil Miscellaneous Petition. Hence, this petition is dismissed. It is open to the petitioner to agitate all the issues available to him including pecuniary jurisdiction before the District Munsif Court, Ramanathapuram. No costs. Consequently, M.P (MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif , Ramanathapuram.

+One cc to Mr.J.John, Advocate, SR.No.31931

+One cc to Mr.K.R.Laxman, Advocate, SR.no.31919

am

RL/4 c- 1/7/2015