



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.81 of 2015 and
M.P(MD)Nos.1 & 2 of 2015

A.L.Alagappan

... Petitioner

Vs.

1.K.Ramasamy

2.A.L.Alagappan @ Keerthivasan

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw O.S.No.4 of 2014 on the file of II Additional District Judge, Kancheepuram and transfer the same to the file of the Principal District Court, Madurai.

For Petitioner	: Mr.M.Saravanan
For R1	: Mr.S.Meenakshi Sundaram
For R2	: Mr.N.Vijaya Rajan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw O.S.No.4 of 2014 on the file of II Additional District Judge, Kancheepuram and transfer the same to the file of the Principal District Court, Madurai.

2. The petitioner herein is the second defendant in O.S.No.4 of 2014 on the file of the II Additional District Court, Kancheepuram. The said suit is filed by the first respondent, for declaration, declaring the settlement deed, dated 29.12.2010 executed by the first defendant in favour of the second defendant and registered in document No.5875 of 2010 is null and void and to direct the first defendant to specifically enforce the sale agreement, dated 25.10.2010, by executing and registering the sale deed in favour of the plaintiff and for other reliefs.

3.The petitioner sought for transfer on the ground that the parties are residing at Tirunelveli and all the witnesses are at Tirunelveli and agreement of sale was executed at Tirunelveli. The only reason for filing the suit before the II Additional District Court, Kancheepuram ,is the suit property is situated within the territorial jurisdiction of Kancheepuram.

4.According to the petitioner, he is 73 years old and it will be very difficult for him travel from Tirunelveli to Kancheepuram and for convenience of all the parties, he sought for transfer from II Additional District Court, Kancheepuram to Principal District Court, Madurai.



5.The learned counsel appearing for the respondents has no objection to transfer the suit and he has also made an endorsement to that effect.

6.At the time of argument, both the counsel for the petitioner and the respondent requested this Court to transfer the case to Principal District and Sessions Court, Virudhunagar District at Srivilliputhur.

7.Recording the no objection, and considering their submissions, the Transfer Civil Miscellaneous Petition is disposed of and O.S.No.4 of 2014 on the file of the II Additional District Court, Kancheepuram is hereby withdrawn and transferred to the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur. The learned II Additional District Court Judge, Kancheepuram, is directed to send the case bundles to the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

8.The suit is of the year 2014, the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur is directed to dispose of the suit as expeditiously as possible, not later than, 31st January 2016.

Sd/
Assistant Registrar (crl.sidge)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District Court,
Kancheepuram.
- 2.The Principal District and Sessions Court,
Virudhunagar District at Srivilliputhur.
- 3.The Section Officer VR section, Madurai Bench of madurai.
High Court Madurai.
4.
+1cc to Mr.R.SUBRAMANIYAN ADVOCATE ST NO.35896
+1CC TO MR. S. MEENAKSHISUNDHARAM SR NO.36194

am:
sdr:24.07.2015 :2P/ 7C/

Tr.C.M.P(MD)No.81 of 2015 and
M.P(MD)No.1 of 2015