

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-03-2016

CORAM

THE HON'BLE Mr. JUSTICE P.R. SHIVAKUMAR

Transfer C.M.P.No.300 of 2015 and M.P.No.1 of 2015

M. E. Mariyappan

.. Petitioner

Vs.

M.S. Dhanasingh (Deceased)

1. Mrs. D. Sathya Vijiya Kumari
2. Dhanasingh Philomina Farjana
3. D. Rajesh Kumar
4. D.Jaswanth Raj
5. K. Stella Padmini
6. Sharmila Anthony Raj
7. D.Naveen Prem Kumar

.. Respondents

Petition filed under Section 24 of CPC to withdraw C.M.A.No.84/14 from the file of the V Addl. Judge, City Civil Court, Chennai and to transfer the same to any other Court of equal jurisdiction for disposal on merits after giving fair hearing to me and pass orders.

For Petitioner

.. Mr.V. Lakshmi Narayanan
for M/s. N. Elayaraja

For Respondents

.. Mr.P. Valliayappan for RR1 to 7

ORDER

This petition has been filed under Section 24 of the Code of Civil Procedure for transferring C.M.A.No.84 of 2014 from the file of the V Additional Judge, City Civil Court, Chennai to any other Court of equal jurisdiction for disposal of the same on merits, after giving opportunity of being heard to both the parties, though certain averments came to be made against the Judge of the Lower Appellate Court, the learned counsel for the petitioner would submit that without pressing those grounds, the petitioner would seek an order of transfer on the sole ground that after such a development which has led to this Court calling for a report from the Lower Appellate Court regarding

the averments made in the supporting affidavit, the apprehension would become true.

2. The learned counsel for the respondent also submits that if at all an order transferring the said C.M.A.No.84 of 2014 is passed without accepting the allegations made against the Presiding Officer and de hors such allegations, the respondents shall not have any objection for the transfer of the said C.M.A., to any other Additional Judge of the City Civil Court, Chennai.

4. In view of the said submissions, without expressing any opinion regarding the averments made in the supporting affidavit, the transfer civil miscellaneous petition is allowed. C.M.A.No.84 of 2014 is withdrawn from the file of the V Additional Judge, City Civil Court, Chennai and transferred to the file of the X Additional Judge, City Civil Court, Chennai, who shall dispose of the same expeditiously after giving an opportunity of being heard to each party. Connected M.P.is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

glp

To

1.The V Addl. Judge,
City Civil Court, Chennai

2.The X Additional Judge
City Civil Court Chennai सत्यमेव जयते

copy to:

The Section Officer
VR Section High Court Madras

+2 ccs to Mr.P.Valliappan Advocate sr.19961, 20220
+1 cc to Mr.N.Elaiyaraja Advocate sr.19784

Tr.C.M.P.No.300 of 2015

aa12/05/2016