



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P (MD) No.209 of 2014

Sengol

... Petitioner

Vs.

1.Elizabeth
2.Paula Mary
3.Vincent Mary
4.Jansirani
5.Sister Marthal
6.Sirumalar
7.Vedamanickam
8.The Sub Registrar,
Office of the Sub Registrar,
Thiruvadanai,
Ramanthapuram.

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.S.No.93 of 2013 on the file of the District Munsif Court at Thiruvadanai and transfer the same to the Musif Court, Devakottai.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.R.Sundar Srinivasan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.S.No.93 of 2013 on the file of the District Munsif Court at Thiruvadanai and transfer the same to the Musif Court, Devakottai.

2.The suit in O.S.No.93 of 2013 was filed for declaration to declare the power of attorney dated 01.08.2008 as null and void.

3.The learned counsel appearing for the petitioner contended that the deed of power of attorney, which is the subject matter of the suit was executed in Thiruvdanai in Ramanathapuram District and on that ground the suit was filed before the District Munsif Court at Thiruvadanai. But the properties, which is the subject matter of the suit are situated at Devakottai Taluk, Sivagangai District.



This apart, most of the respondents / defendants are residing at Devakottai Taluk in Sivagangai District.

4.Considering the fact that the defendants are residing within the jurisdiction of Devakottai Taluk, Sivagangai District and the properties, which are the subject matter of the suit are also situated in Devekottai Taluk, this Court is inclined to consider the petition for transfer.

5.The learned counsel appearing for the respondents opposed the transfer petition by stating that since the deed of power of attorney was executed at Thiruvadanai at Ramanathapuram District, the suit was rightly filed before the District Munsif Court, Thiruvadanai and there is no purpose in transferring the case from Thiruvadanai to Devakottai and therefore, the present petition for transfer is to be dismissed.

6.This Court is of the view that all the respective parties in the suit are residing within the jurisdiction of Devekottai Taluk, Sivagangai District and further the properties, which are the subject matter of the alleged deed of power of attorney, are also situated within the territorial jurisdiction of the Devekottai Taluk, the present petition for transfer deserves to be considered and accordingly, this petition is allowed and the suit in O.S.No.93 of 2013 pending before the District Munsif Court, Thiruvadanai, Ramanathapuram District stands transferred to the District Munsif Court, Devakottai, Sivagangai District. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The District Munsif Court at Thiruvadanai.

2.The Musif Court, Devakottai.

+1 cc to Mr.S.Muthukumar,Advocate,SR.NO.70958

nbj

AAM:SKN-MM:2p/4c/18.01.2017

**Tr.C.M.P. (MD) No.209 of 2014
22.11.2016**