



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P (MD) Nos.307 & 308 of 2015
and M.P (MD) No.1 of 2015

Nelson

..Petitioner(In both Tr.C.M.Ps)

Vs.

1.Albert Willson

2.Alis Jothimani

..Respondents(In both Tr.C.M.Ps)

Common Prayer: Transfer Civil Miscellaneous Petitions are filed under Section 24 of Civil Procedure Code to withdraw A.S.No.42 of 2014 and A.S.No.10 of 2015 on the file of the Principal District Court, Thanjavur and it will be transfer to some other competent Court.

For Petitioner

: Mr.R.Rajaraman

For R-1 in Tr.C.M.P.No.307 of 2015 &

For R-2 in Tr.C.M.P.No.308 of 2015 : Mr.A.Arun Prasad

COMMON ORDER

In both the Transfer Civil Miscellaneous Petitions, the parties are one and the same and issue involved is one and the same, therefore common order is passed.

2.The petitioner is the first respondent in both A.S.No.42 of 2014 and in A.S.No.10 of 2015 and Plaintiff in O.S.No.126 of 2010. The petitioner filed suit for specific performance in O.S.No.126 of 2010 on the file of the Principal Sub Court, Thanjavur against the respondents. The said suit was decreed in his favour on 25.03.2013. Against that, the second respondent filed an appeal in A.S.No.42 of 2014 and the first respondent filed Cross-appeal in A.S.No.10 of 2014, on the file of the Principal District Court, Thanjavur.

3.Now the petitioner has come out with present Transfer Civil Miscellaneous Petition making allegations against the Essential Commodity Court Judge, Thanjavur, who was in-charge of Principal District Court, Thanjavur, on the ground that the learned Judge openly said that there is no case against the petitioner/1st respondent/plaintiff and the matter was adjourned to 03.08.2015 for arguments.

4. Today, when the Transfer Civil Miscellaneous Petitions are taken up for hearing, both the learned counsel appearing for petitioner and respondent submitted that the learned Essential Commodities Court Judge, Thanjavur was transferred to some other place and regular Principal District Judge was appointed. Subsequently he was also suspended. Now, the in-charge Principal District Judge is Fast Track Court-I, Thanjavur, and appeals are posted before the Fast Track Court-I, Thanjavur in-charge Principal District Judge, who delivered the Judgment in O.S.No.126 of 2010. In the circumstances, both the counsel for the petitioner and respondents prayed for transfer of appeals to the I Additional District and Sessions Judge, PCR Court, Thanjavur.

5. Heard the learned counsel appearing for the petitioner and the respondent.

6. In view of the submissions made by both counsel appearing for petitioner and respondent, the Transfer Civil Miscellaneous Petitions are disposed of and A.S.No.42 of 2014 and A.S.No.10 of 2015, on the file of the Principal District Court, Thanjavur are hereby withdrawn and transferred to the file of the I Additional District and Sessions Judge, PCR Court, Thanjavur. The learned Principal District Judge, Thanjavur, is directed to send the case bundles to the I Additional District and Sessions Judge, PCR Court, Thanjavur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Principal District Judge, Thanjavur.

2. The I Additional District and Sessions Judge,
Thanjavur.

Copy to : The Section Officer, Judicial Department,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.R.Rjaraman, Advocate in SR.10812

+2cc to M/s.A.Arunprasad, Advocate in SR.10871 & 10872

TR.C.M.P(MD) Nos.307 & 308 of 2015
25.02.2016

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PBK/AAL-MPA/SAR-I 29/03/2016 ::2P-7C:: (IT)