



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2016
CORAM

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

WEB COPY

Tr.C.M.P(MD)No.434 of 2015 and
M.P(MD)No.1 of 2015

N. Dhanalakshmi ... Petitioner
Vs.

1. The Karur Town Co-operative Bank Limited,
Karur, 73-74 Mettu Street,
Karur - 01

2. The Deputy Registrar of
Co-operative Societies,
Karur Circle, Karur.

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the CMA.C.S.No.1 of 2008 from the file of the learned District Judge, Karur to the file of any other District Court.

For Petitioner : Mr. V. Nagendran
For Respondent No.1 : Mr. K. Govindarajan
For Respondent No.2 : Mr. R. Anandraj
Government Advocate

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the CMA.(CS).No.1 of 2008, from the file of the learned District Judge, Karur to the file of any other District Court.

2. According to the petitioner, the Presiding Officer is reluctant to hear the appeal in CMA.(CS).No.1 of 2008 filed by the petitioner and she is not willing to hear the arguments on behalf of the petitioner and dismissed same on 30.04.2015. The said order was set aside by this Court in CRP(MD).No.1117 of 2015 filed by the petitioner and the CMA(CS) No.1 of 2008 was returned to the file, directing the Judge concerned to decide the matter on merits. In such circumstances, the petitioner is seeking transfer of CMA.(CS).No.1 of 2008 from the file of the learned District Judge, Karur to the file of any other District Court.

<https://hcservices.courts.mdy.in/hcservices/>
3. The learned counsel for the respondent submitted that the Transfer CMP is filed only to drag on the proceedings. The



petitioner has taken number of adjournments to argue the matter. On 25.11.2015, CMA was posted for arguments of petitioner as a last chance. Without arguing the CMA, the petitioner has come out with the present petition.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. From the materials available on record it is seen that the CMA.(CS).No.1 of 2008 is posted for final hearing on 25.11.2015 as a last chance. At this stage, the petitioner has come out with this petition, for transfer, on the ground that on earlier occasion the CMA was dismissed by the same Judge.

6. The reasons given by the petitioner is not sufficient and valid to transfer the case. This Court has directed the learned District Judge, Karur, to decide the CMA on merits in accordance with law. In view of this order, Transfer CMP is devoid of merits and the Transfer CMP is dismissed. The learned District Judge, Karur, is directed to hear the CMA and pass orders in accordance with law, without taking in to consideration the reason given for dismissal on earlier occasion and dispose the CMA within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

trp
To

1. The District Judge, Karur.
2. The Karur Town Co-operative Bank Limited,
Karur, 73-74 Mettu Street,
Karur - 01
3. The Deputy Registrar of
Co-operative Societies, Karur Circle, Karur.

+One CC to M/s V.Nagendran Advocate in Sr.No.9249
+One CC to Special Government Pleader Sr.No.9438

CN/JGB-DP/4.3.2016/6C-2P

Tr.C.M.P (MD) No.434 of 2015 and
M.P (MD) No.1 of 2015
16.02.2016