



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 08.01.2016**

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

**Tr.C.M.P. (MD)No.437 of 2015
and
M.P. (MD)No.1 of 2015**

V.N.Sivakumar

... Petitioner

Vs.

1.M.Rathinasamy
2.N.S.M.R.Mutharasu
3.M.K.Pandian
4.V.Nagarajan
5.T.Ganesan
6.P.Periyasamy
7.P.C.Jambulingam
8.P.Singaravel
9.K.Anburajan
10.P.Pandiyarajan
11.P.Jeyaprakasa Narayanan
12.J.Selvaganesh
13.P.Sivasamy(died)

... Respondents

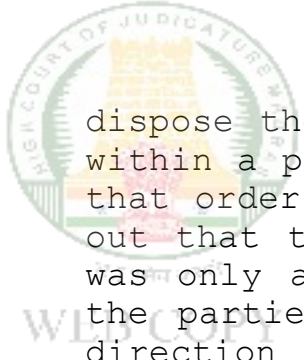
PRAYER: Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in C.M.A.No.7 of 2015 pending on the file of the learned VI Additional District Judge, Madurai and transfer the same to any one of the competent Courts at Madurai.

For Petitioner : Mr.G.R.Swaminathan
for Mr.N.Sathish Babu
For Respondents : Mr.K.Sekar for R.1 to R.7
: Mr.L.J.Soundararajan for R.8
: Mr.B.Rooban for R.9 to R.12
:R.13-died

ORDER

Seeking a direction to withdraw the Civil Miscellaneous Appeal in C.M.A.No.7 of 2015 from the file of the learned VI Additional District Judge, Madurai and to transfer the same to any other competent Court at Madurai, this petition is filed by the petitioner who is the appellant in the Civil Miscellaneous Appeal.

2. It is to be noted that while disposing the Civil Revision Petition in C.R.P. (MD)No.2417 of 2015, this Court has issued a direction to the learned VI Additional District Judge, Madurai to



dispose the main Civil Miscellaneous Appeal in C.M.A.No.7 of 2015 within a period of one week from the date of receipt of a copy of that order. It was also made clear that it was needless to point out that the observation made in the order in paragraph No.7, it was only an interim measure and no right would accrue to any of the parties on account of this observation. In pursuant to the direction of this Court, when the petitioner was appearing before the VI Additional District Court, Madurai, it is alleged that the learned VI Additional District Judge, Madurai had passed a sarcastic comment saying that previously he had taken a view and that since he was directed to dispose the Civil Miscellaneous Appeal within a period of seven days, how he could go against his own view and this particular comment, has instigated the petitioner to come forward with this application to withdraw the Civil Miscellaneous Appeal from the file of the learned VI Additional District Judge and transfer the same to some other Court, as he would not get any fair order in his hand and the learned Judge had developed his mind that he would not go against his own order that was passed in the interlocutory application in the Civil Miscellaneous Appeal.

3. The learned Counsel for the respondents have no objection to withdraw the Civil Miscellaneous Appeal from the file of VI Additional District Court, Madurai.

4. Keeping in view of the above fact, this Transfer Civil Miscellaneous Petition is allowed and the Civil Miscellaneous Appeal in C.M.A.No.7 of 2015 pending on the file of the learned VI Additional District Judge, Madurai is ordered to be withdrawn and transferred to the file of the learned Principal District Judge, Madurai with a direction to dispose the same within a period of two months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1. The VI Additional District Court, Madurai.
2. The Principal District Court, Madurai.

+one cc to M/s.N.Sathish Babu, Advocate in SR.No.1366
+one cc to M/s.K.Sekar, Advocate in SR.No.1432

CSL/SK-SKN/01.03.2016/2P/5C

**Tr.C.M.P. (MD) No.437 of 2015
and M.P. (MD) No.1 of 2015
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