



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2016

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THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P. (MD) No.47 of 2016

and

C.M.P. (MD) .No.992 of 2016

Amirtham

... Petitioner/Plaintiff

Vs.

S.Valampurinathan

... Respondent/Defendant

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., Rule 1(2) of C.P.C., to withdraw the case in O.S.No.522 of 2010 on the file of the District Munsif, Thirumangalam and transfer the same to the District Munsif Court, Madurai Taluk and conclude the trial in O.S.No.522 of 2010 within a further stipulated period of three months.

For Petitioner : M/s.A.Rajini

For Respondent : Mr.N.Balakrishnan

O R D E R

Seeking the relief of withdrawal of the suit in O.S.No.522 of 2010 from the file of District Munsif, Thirumangalam and to transfer the same to the District Munsif Court, Madurai Taluk for disposal in the manner known to law, this petition is filed by the petitioner under Section 24 of the Code of Civil Procedure.

2. The petitioner is the plaintiff in the suit, whereas the respondent is the defendant.

3. Heard M/s.A.Rajini, learned counsel appearing for the petitioner and Mr.N.Balakrishnan, learned counsel appearing for the respondent.

4. The suit has been filed by the petitioner. The petitioner has stated that she and her husband have been in possession and enjoyment of suit property for more than 30 years and taking advantage of their poverty, the respondent was trying to remove the petitioner and her husband from the suit property. Therefore, they have filed a suit. Now the suit is pending on the file of District Munsif, Thirumangalam. Since no Presiding Officer is



posted there, the learned counsel for the petitioner wants to get the matter transferred from the file of District Munsif, Thirumangalam to the file of District Munsif, Madurai Taluk.

5. The learned counsel Mr.N.Balakrishnan appearing for the respondent has no objection.

6. Therefore, considering the submissions made by M/s.A.Rajini, learned counsel for the petitioner and on perusal of the grounds of this Transfer Civil Miscellaneous Petition to transfer the suit in O.S.No.522 of 2010 to the file of District Munsif Court, Madurai Taluk, this Court is inclined to allow the Transfer Civil Miscellaneous Petition. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the suit in O.S.No.522 of 2010 is ordered to be withdrawn from the file of District Munsif, Thirumangalam and transfer to the file of District Munsif Court, Madurai Taluk. The learned District Munsif, Thirumangalam is directed to transmit the entire records relating to the above said suit to the transferee Court within a period of one week from the date of receipt of a copy of this order. On receipt of the records, the transferee Court is directed to dispose of the same within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif,
Thirumangalam.

2. The District Munsif,
Madurai Taluk.

+1cc to Mr.A.Rajini, Advocate Sr.No.5874

akv

AA/SKS-RR/16.03.2016/2p-4c

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