

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.12 of 2017
and C.M.P.No.363 of 2017

D.Parasmal

.. Petitioner

-Vs.-

J.Lakshmanan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.147 of 2015 on the file of the Principal District Judge, Salem and transfer the same to the District Court, Namakkal.

For petitioner ... Mr. R.Nalliyappan

For Respondent ... Served-No Appearance

O R D E R

The plaintiff in O.S.No.147 of 2015 on the file of the II Additional District Judge, Salem, is seeking transfer of the said suit to the District Court, Namakkal.

2. The suit was filed for specific performance by paying considerable court fees.

3. Only when objection was taken by the respondent that the District Court, Namakkal alone has got jurisdiction, as the property is situate at Namakkal, the petitioner has come up with the above transfer petition.

4. It is specifically stated that both the petitioner and the respondent are living within the jurisdiction of the District Court, Salem, but the properties are located within the jurisdiction of the District Court, Namakkal. Hence, the transfer is sought for.

5. Section 21 of the Civil Proceedure Code speaks about the objections to jurisdiction. Any objection with respect to

the place of suing may be entertained unless such objection was taken in the Court of first instance at the earliest possible opportunity.

6. It is stated by the petitioner that he had filed the transfer petition for transferring the suit to District Court, Namakkal, which has got jurisdiction in order to avoid any technical objections later.

7. It is to be noted that the respondent has not appeared either through counsel or in person despite service of notice.

8. Considering the averments made in the affidavit, this Court is inclined to transfer the suit in O.S.No.147 of 2015 on the file of the II Additional District Judge, Salem to the file of the District Court, Namakkal. Accordingly, the transfer C.M.P is allowed and O.S.No.147 of 2015 pending on the file of the II Additional District Judge, Salem is ordered to be withdrawn and transferred to the file of District Court, Namakkal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

srn

To

1. The II Additional District Judge, Salem
2. The District Court, Namakkal.

+1cc to Mr. R.Nalliyappan, Advocate in sr.no.79884

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NR 10/11/2017

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