

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

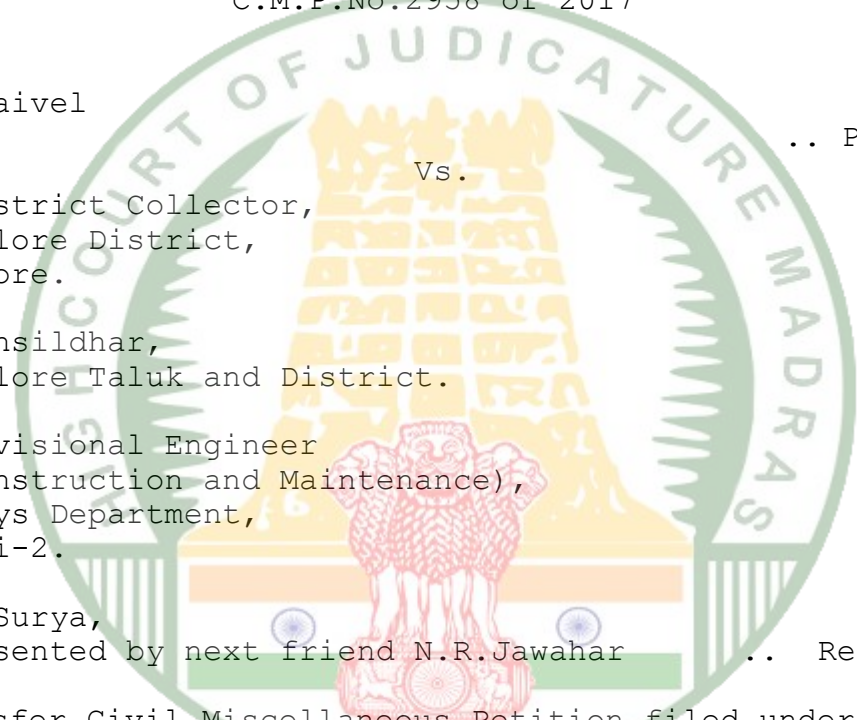
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.156 of 2017

and

C.M.P.No.2958 of 2017

- 
1. Thanigaivel
2. Aarthi .. Petitioners
- Vs.
1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Tahsildhar,
Cuddalore Taluk and District.
3. The Divisional Engineer
(Construction and Maintenance),
Highways Department,
Madurai-2.
4. Minor Surya,
Represented by next friend N.R.Jawahar .. Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.70 of 2014 pending on the file of the Family Court, Madurai and transfer the same to the file of the District Munsif Court, Cuddalore.

For petitioners : Mr.D.S.Thiruma Valavan

ORDER

O.S.No.286 of 2012 was originally filed on the file of Additional District Munsif Court, Cuddalore, by the petitioners/plaintiffs. G.W.O.P.No.3 of 2013 was filed by one N.R.Jawahar for the custody of the minor Surya, before the Family Court, Madurai. Earlier, two Tr.C.M.Ps. were filed, namely Tr.C.M.P.No.58 of 2014 was filed by the brother of the

deceased Malligarani to transfer the suit in O.S.No.286 of 2012 from the Additional District Munsif Court, Cuddalore to the Family Court, Madurai, to be tried along with G.W.O.P.No.3 of 2013 and Tr.C.M.P.No.336 of 2014 was filed by the husband and daughter of the deceased Malligarani to transfer G.W.O.P.No.3 of 2013 from the Family Court, Madurai and the suit in O.S.No.286 of 2012 from the file of the District Munsif Court, Cuddalore, to the file of the District Court, Cuddalore. This Court, by virtue of order dated 01.09.2014, allowed Tr.C.M.P.No.58 of 2014, transferring O.S.No.286 of 2012 from the Additional District Munsif Court, Cuddalore, to the Family Court, Madurai, which is now re-numbered as O.S.No.70 of 2014 and the other Tr.C.M.P.No.336 of 2014 was dismissed by this Court.

2. There seems to be no progress in the suit after transfer. In the meanwhile, the fourth defendant who was shown as minor, had become major, automatically rendering G.W.O.P.No.3 of 2013 as having become infructuous. At this juncture, the present Tr.C.M.P.No.156 of 2017 is filed by the plaintiffs to re-transfer O.S.No.70 of 2014 (O.S.No.286 of 2012) from the file of the Family Court, Madurai to the District Munsif Court, Cuddalore.

3. From the above facts, it is clear that the parties have been only transferring the cases from one Court to another without any progress in the trial. Now, again the suit is sought to be transferred back to the District Munsif Court, Cuddalore, stating that the said G.W.O.P. has become infructuous. That cannot be a ground for transfer. The matter had been pending before the Family Court, Madurai, without any progress all these years. The suit being of the year 2012 (O.S.No.286 of 2012 -- re-numbered as O.S.No.70 of 2014), the Family Court, Madurai, is directed to dispose of the said suit on or before 31.12.2017 without seeking any further extension of time.

4. With the above observations and direction, the Tr.C.M.P. is dismissed. No costs. C.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

CS

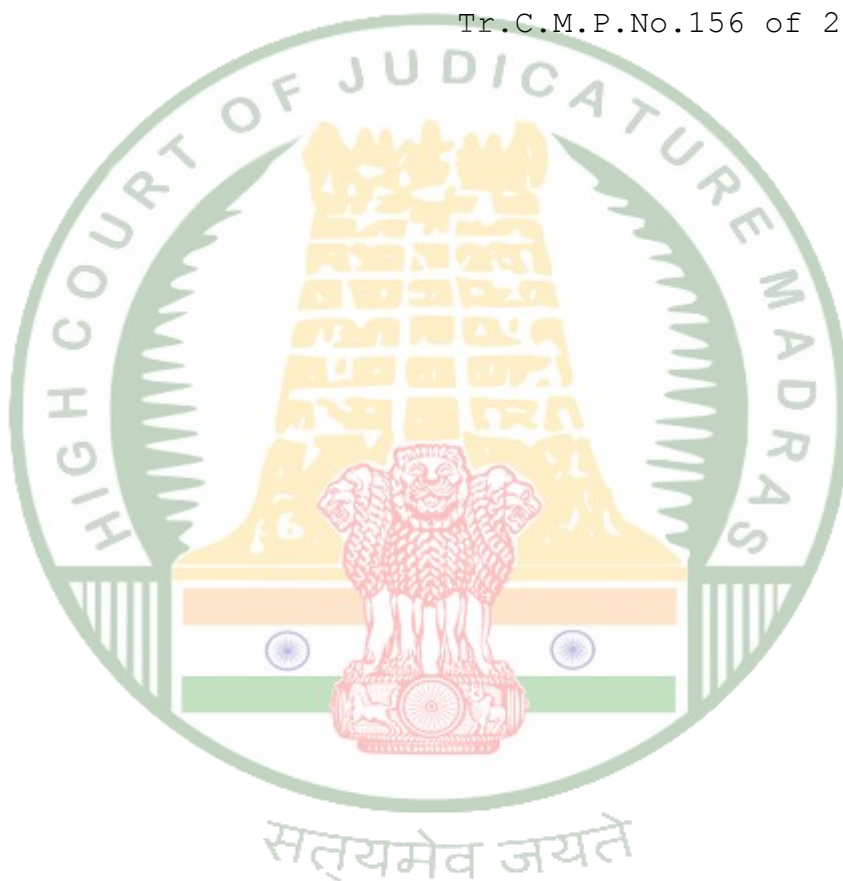
Copy to

1. The Judge, Family Court, Madurai.

+1cc to Mr.D.S. Thiruma valavan, Advocate, S.R.No.11501

vsn (CO)
md(07/03/2017)

Tr.C.M.P.No.156 of 2017



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