

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.287 of 2017
and
CMP.No.5442 of 2017

S.K.Chandrakumar

...

Petitioner

Versus

1.Jayalakshmi
2.S.N.Pangajavalli
3.A.Jayalakshmi
4.S.S.Arumugham

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer O.S.No.241 of 2013, on the file of III Additional District Court, Gobichettipalayam, to any District Court in Erode.

For Petitioner : Mr.V.Raghavachari
for Ms.R.Sripriya
For Respondents : Mr.R.Baskar (R1 and R2)
Ms.Zeenath Begum (R3 and R4)

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw and transfer O.S.No.241 of 2013, on the file of III Additional District Court, Gobichettipalayam, to any District Court in Erode.

2. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

3. The petitioner herein has filed a suit in O.S.No.241 of 2013, for specific performance. In paragraph 5 of the affidavit filed in support of this petition, it is stated that the petitioner was aggrieved by the fact that the learned Judge, while dismissing the application under Order 39 have made certain observations on the merits of the case and the observations made had given an impression that he may not get justice in this case. It is further stated that aggrieved by the said order, the Civil Miscellaneous Appeal was preferred before this Court and the same was disposed of with a direction to maintain the status quo to protect the

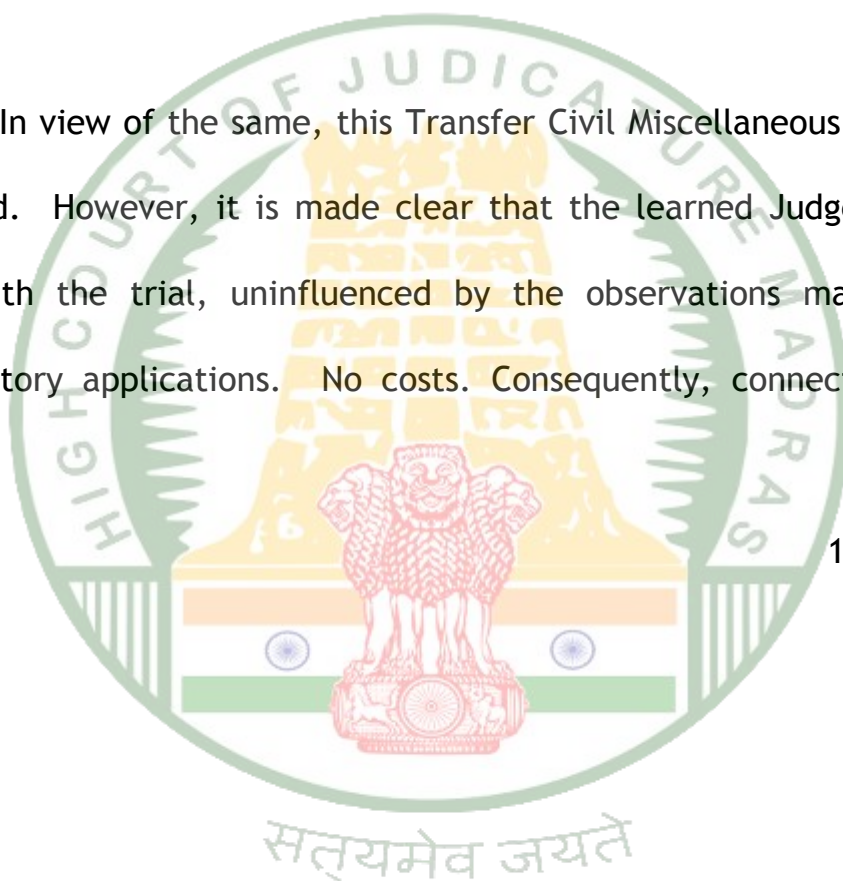
interest of the petitioner.

4. Having filed an appeal against the order passed in the petition filed under Order 39 and after obtaining an order to maintain status-quo, the Plaintiff cannot have any grievance for seeking transfer.

5. In view of the same, this Transfer Civil Miscellaneous Petition is dismissed. However, it is made clear that the learned Judge shall get along with the trial, uninfluenced by the observations made in the interlocutory applications. No costs. Consequently, connected M.P is closed.

15.12.2017

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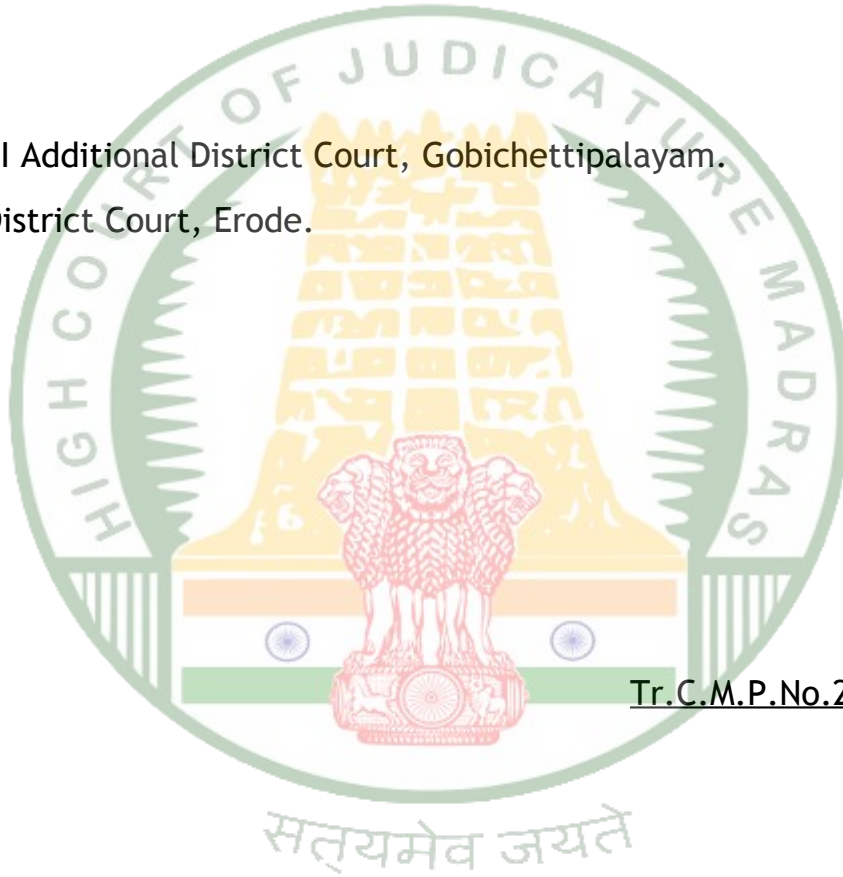
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PUSHPA SATHYANARAYANA, J

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To

1. The III Additional District Court, Gobichettipalayam.
2. The District Court, Erode.



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