

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.Nos.298, 299, 301 & 302 of 2017
and
C.M.P.Nos.5743, 5744, 5763 & 5764 of 2017

Tr.CMP. No.298 of 2017:

1.R.Kannan
2.R.Munusamy
3.R.Sakthivel

.. Petitioners in Tr.CMP Nos.298,
299, 301 & 302/2017

Vs.

V.Raju Devar

.. Respondent in Tr.CMP
No.298/2017

K.Ravi @ Shamugasundaram

.. Respondent in Tr.CMP.No.299/
2017

Andal
M.Gowtham

.. Respondents in Tr.CMP.No.301/
2017

R.Veerammal

.. Respondent in Tr.CMP.No.302/
2017

Petitions filed under Section 24 of the Civil Procedure Code, to withdraw A.S.Nos.49, 50, 47 & 48 of 2016 on the file of the Principal District Court at Chengalpattu, Kancheepuram District and transfer the same to the file of Principal Judge, City Civil Court, Chennai.

For Petitioner : No representation

COMMON ORDER

These petitions have been filed by the petitioner to withdraw A.S.Nos.49, 50, 47 & 48 of 2016 on the file of the Principal District Court at Chengalpattu, Kancheepuram District and transfer the same to the file of the Principal District Court, Chennai.

2. The petitioners in all four Tr.CMPs are one and the same, who are respondents in A.S.Nos.47, 48, 49 & 50 of 2016. The petitioners have filed O.S.Nos.78,80, 82 and 110 of 2013 and all the suits were decreed on 28.09.2016 in favour of the petitioners. As against the judgment and decree, the respondents herein have filed the appeals in A.S.Nos.47, 48, 49 and 50 of 2016 on the file of the learned Principal District Judge, Chenglepet. The petitioners after passing the decree, have filed caveat petition through Advocate before the Principal District Court, Chenglepet and thereafter, the respondents herein issued notice to the petitioners' counsel stating that the respondents/appellants are residing at Thirukkazhukundram. Thereafter, the petitioners filed vakalat through their Advocate, Chennai. Subsequently, the learned counsel for the respondents/appellants served notice to the learned counsel for the petitioners, who filed caveat petition before the learned Principal District Court, Chenglepet.

3. According to the petitioners, in spite of Caveat petition filed by the petitioners, the learned Principal District Judge, Chengalpattu, without receiving the counter and without hearing their counsel, passed an order of status quo. It is contended by the learned counsel for the petitioners, the learned Principal District Judge, Chenglepet, acted maliciously and misused of his power and granted status quo. In the circumstances, petitioners have filed these Transfer Miscellaneous Petitions to withdraw A.S.Nos.47, 48, 49 and 50 of 2016 pending on the file of the Principal District Court, Chengalpattu, Kancheepuram District and transfer the same to the Principal District Court, Chennai.

4. There is no representation for the petitioners on 18.04.2017. Hence, the matter was posted today i.e.19.04.2017 under the caption 'for dismissal'. Even today also there is no representation for the petitioners.

5.The petitioners are making allegations against the Presiding Officer and it cannot be said that it is just, because the Presiding Officer has ordered status quo. The allegation against the Presiding Officer is a serious allegation and it would not be accepted without any substantial proof. The reason for seeking transfer of appeals by the petitioners, is not valid.

6. In the result, all the Transfer Civil Miscellaneous Petitions are dismissed. The petitioners have stated that they have filed caveat petition through their Advocate from Thirukkalukundram and appeal papers were served on the said Advocate. The petitioners have also stated that they filed Vakalath through Advocate from Chennai. But they have not stated that whether any one of the Advocates appeared before the Court below and opposed to grant of status quo. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kal/msm

To

- 1.The Principal District Court,
Chengalpattu,
Kancheepuram District.
- 2.The Principal Judge, City Civil Court,
Chennai.

Tr.C.M.P.Nos.298, 299, 301 & 302 of 2017
and
5743, 5744, 5763 & 5764 of 2017

gp(co)
ss(15/6/2017)

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