

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.666 of 2017
AND CMP NO.13150 of 2017

1. S.Madheswaran
 2. M.Saravanaprakash
 3. M.Rajganesh
 4. M.Sivagamasundari ... Petitioners

versus

P.R.Nagaraj ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the REP. No. 443 of 2015 on the file of the I Additional District Judge, Salem and transfer the same to some other court in the Salem District.

For Petitioners : Mr.R.Ezhilarasan
 For Respondent : No appearance

ORDER

The petitioners have come up with the present Transfer Civil Miscellaneous Petition with a prayer to withdraw REP No.443 of 2015 pending on the file of First Additional District Judge, Salem and to transfer to some other Court in the District of Salem.

2. The grievance of the petitioners is that they have filed an interlocutory application in I.A.No.37 of 2017 to condone the delay of 463 days in filing the petition to set aside the ex-parte decree passed by the Trial Court on 23.04.2015 in I.A.No.1724 of 2014 in O.S.No.3 of 2010. However, the Trial Court passed orders in the execution petition, without considering the pendency of the condone delay application.

3. The learned counsel for the petitioners would submit that it is mandatory to dispose of the interim application within a limited period. However, the Trial Court, without disposing of the interim application filed for condonation of delay, passed orders in the execution petition, which caused much prejudice to his rights.

4. Considering the submissions made by the learned counsel for the petitioners, a direction is issued to the learned First Additional District Judge, Salem, to dispose of I.A No. 37 of 2017 in I.A.No.1724 of 2014 in O.S.No.3 of 2010, within a period of one month from the date of receipt of a copy of this order. Till such time there shall be an order of interim stay of proceedings in R.E.P No. 443 of 2015.

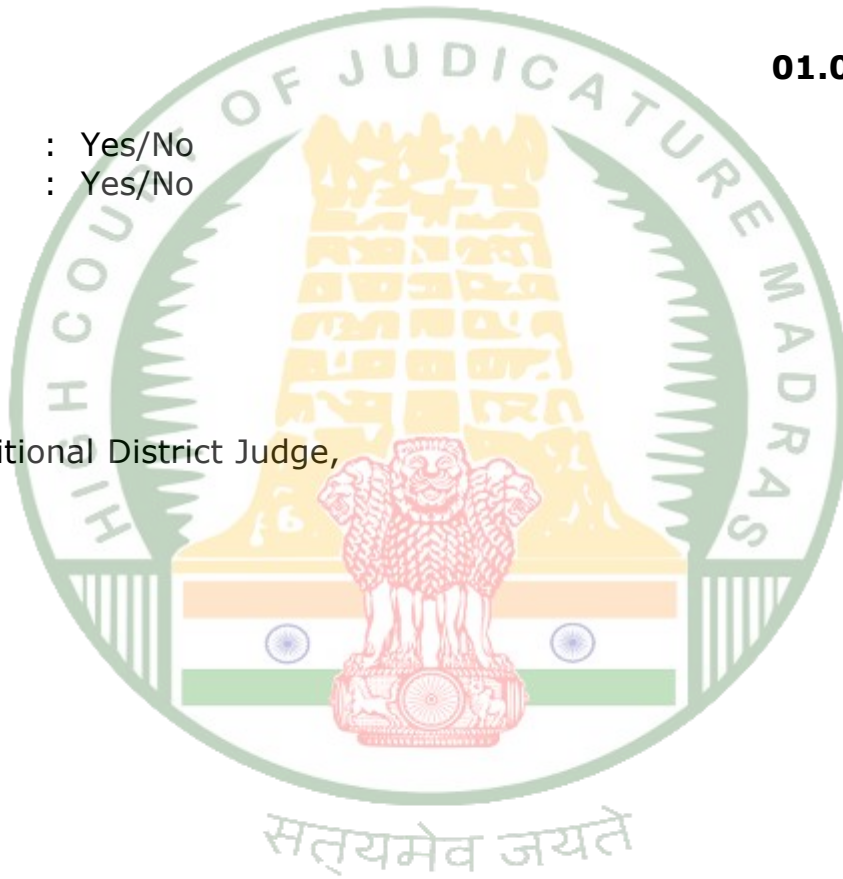
5. With above observation, the Transfer Civil Miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.09.2017

Index : Yes/No
Internet : Yes/No
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To

First Additional District Judge,
Salem.



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M.GOVINDARAJ, J.

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