

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :17.08.2017

CORAM

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU****TR.C.M.P. (MD) Nos.320 and 342 of 2017****and****C.M.P (MD) Nos.6847 & 7145 of 2017**

Sivakamiyammal

... Petitioner in both Tr.C.M.Ps.

Vs.

1.Veluchamy (Died)

2.Kameshwari

3.Nagaperumal

4.Balamurugan

... Respondents in both Tr.C.M.Ps.

Prayer: The Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Civil Procedure Code to withdraw the E.P.Nos.19 of 2010 and 22 of 2014 in O.S.No.209 of 2008 on the file of the learned Principal District Munsif Court, Aruppukkottai, Virudhunagar District and transfer the same to competent Court at Dindigul.

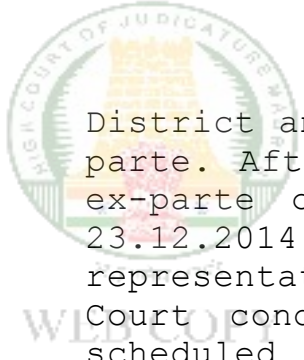
For Petitioner : Mr.G.Ramanathan

For R3 : Mr.R.Gowri Sankar

For R4 : Mr.Lakshmi Gopinathan
for Polax Solutions**C O M M O N O R D E R**

The Transfer Civil Miscellaneous Petitions are filed to withdraw the E.P.Nos.19 of 2010 and 22 of 2014 in O.S.No.209 of 2008 on the file of the Principal District Munsif Court, Aruppukkottai, Virudhunagar District and transfer the same to competent Court at Dindigul.

2. The petitioner herein is the wife and the first respondent is her husband and due to misunderstanding, they are living separately for more than 15 years. The petitioner filed a suit in O.S.No.209 of 2008 before the Principal District Munsif Court, Aruppukkottai, Virudhunagar District for maintenance against her husband viz., Veluchamay. The husband of the petitioner was set ex-parte in the suit and it was decreed on 28.11.2008. Hereafter, the petitioner filed E.P.No.19 of 2010 before the Principal District Munsif Court, Aruppukkottai, Virudhunagar



District and in E.P.No.No.19 of 2010 also her husband remained ex-parte. After that, her husband filed a petition to set aside the ex-parte order and when the petition was pending, he died on 23.12.2014. Hence, the respondents are impleaded as legal representatives of Velusamy. In the execution proceedings, the Court conducted public auction in respect of 4th item of the scheduled mentioned property in the Execution Petition. One Nagaraj purchased the same and deposited the auction sale amount of Rs.50,000/- before the Principal District Munsif Court, Arupukottai, Virudhunagar District. Thereafter, one advocate Therirajan filed a petition in E.A.No.49 of 2012 to set aside the Court sale. Thereafter, there is no progress in the petitioner's Execution Petition and E.P.No.22 of 2014 arose out of O.S.No.209 of 2008 for maintenance which is also pending before the Principal District Munsif, Arupukottai.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 68 years and she is living separately for more than 15 years and she is residing in her relative's house at Dindigul. She would further submit that even though all the respondents are set ex-parte, the trial Court did not take any steps to dispose of the Execution Petition and the same was pending before the same Court for the past three years and there is no safety for her to attend the hearing of the case at Arupukottai, Virudhunagar District.

4. The learned counsel appearing for the respondents 3 and 4 would submit that they do not have any objection for transferring the cases to Virudhunagar.

5. Considering the same, E.P.Nos.19 of 2010 and 22 of 2014 in O.S.No.209 of 2008 on the file of the Principal District Munsif Court, Arupukottai, Virudhunagar District are withdrawn and transferred the same to the District Munsif Court, Virudhunagar. Accordingly, the Transfer Civil Miscellaneous Petitions are ordered as above. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif Court,
Aruppukkottai,
Virudhunagar District.

<https://hccs.eas.gov.in/csp/csl> District Munsif Court,
Virudhunagar.



+1cc to M/S.G.RAMANATHAN, Advocate SR.No.72970

+1cc to M/S.POLAX LEGAL SOLUTIONS , Advocate SR.No.73003

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MAS/JC/SAR2:03.10.2017:3P-5C

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