



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD) .No.2245 of 2016

K.P. Pandi : Petitioner/ Petitioner/Plaintiff

Vs.

1.S.S. India Bai
2.S.S. Ramsundar
3.S.S.Amarnath
4.O.S.Rameela
5.A.Shakunthala : Respondents/Respondents/Defendants

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the returned order passed in unnumbered TROP.S.R.No.15655 of 2016 on the file of the Principal District Munsif, Madurai Taluk dated. 18.10.2016 and directing the court below to number the above said transfer Application.

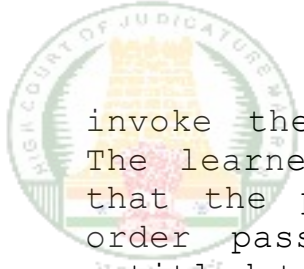
For Petitioner : Mr. C. Vakeeswaran
For Respondents : No Appearance

O R D E R

This Civil Revision Petition is filed against the return order passed in unnumbered TROP.S.R.No.15655 of 2016, on the file of the Principal District Munsif, Madurai Taluk, dated 18.10.2016.

2. The petitioner filed TROP.S.R.No.15655 of 2016 on the file of the Principal District Munsif, Madurai Taluk, for withdrawing the suit in O.S.No.180 of 2002 on the file of the District Munsif, Madurai and transfer the same to any other appropriate Court, which is having jurisdiction.

3. The learned Principal District Judge returned TROP.S.R.No.15655 of 2016 stating that raising the query as to how TROP is maintainable, in view of the order passed by this Court, in CRP(MD).No.288 of 2014, directing the District Munsif, Madurai to dispose the suit in O.S.No.180 of 2002, on or before 30.06.2015. The petitioner represented the same stating that direction is to dispose the suit on or before 30.06.2015. He can



invoke the provision under Section 24(1) of CPC for transfer. The learned Judge finally returned the OP on 18.10.2016 stating that the petitioner ought to have filed an appeal against the order passed in the Interlocutory Application and he is not entitled to seek transfer of suit.

6. Against that, the petitioner has come out with the present Civil Revision Petition.

7. From the return, it is seen that the learned Judge considered the grounds on which the petitioner is seeking transfer and held that the petitioner is not entitled to seek transfer on that ground. The learned Judge has not given any opportunity to the petitioner to substantiate his claim for transfer.

8. In the circumstances, the order dated 18.10.2016, returning the Transfer OP SR, is set aside and Civil Revision Petition is allowed. The petitioner is directed to represent TROP.S.R.No.15655 of 2016, within a week from the date of receipt of a copy of this order and on such representation, the learned Judge is directed to number the same, if it is otherwise in order and decide T.R.O.P on merits and pass orders in accordance with law. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Judge, Madurai.
- 2.The District Munsif, Madurai
- 3.The Principal District Munsif, Madurai Taluk.

+1 CC to M/s.C.VAKEESWARAN, Advocate, SR No. 2982.
+1 CC to M/s.V.RAGHAVACHARI, Advocate, SR No. 3470.

TRP

PSM/CM-MSA/22.02.2017/2P/6C

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