



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD)No.358 of 2016

and

C.M.P (MD)No.6939 Of 2016

B.Paramasivan

... Petitioner/Petitioner

Vs.

1.S.Ramiah

2.S.Kannan

3.K.Aalagiya Nambi

4.S.Esakkikannan

5.N.Manikandan

6.S.Manthiram

7.C.Kumaran Palavesam

...(Respondents 1 to 7 are given up)

8.N.Mariappan

9.R.Esakkiammal

...Respondents/Respondents

Petition filed under Section 24 of the Code of Civil Procedure Order Rule 1(2) of C.P.C., to withdraw and transfer the A.R.O.P.74 of 2013 on the file of the District Judge, Tirunelveli to any other court of competent Civil Jurisdiction or tag along with A.R.O.P.No.376 of 2016 pending before Principal Seat at Chennai.

For Petitioner : Mr.D.Saravanan

For R1 to R7 : given up

For R8 :No appearance

For R9 :Mr.R.J.Karthick

ORDER

The petitioner seeks transfer of proceedings in A.R.O.P.No.74 of 2013, pending on the file of the District Court, Tirunelveli to any other Court of competent Civil Jurisdiction or tag along with A.R.O.P.No.376 of 2016, pending before the Principal Seat at Chennai.

2.The proceedings of A.R.O.P.No.74 of 2013 arises under Section 9 of Arbitration and Conciliation Act, 1996. The proceedings of A.R.O.P.No.376 of 2016 have been filed under Section 11 of the said Act. Under Section 11 of the Arbitration and Conciliation Act, 1996, Jurisdiction vests



exclusively with the Honourable Chief Justice or the Designated Judge for appointment of an arbitrators. The jurisdiction under Section 9 of Arbitration and Conciliation Act is different from the Jurisdiction under Section 11 of the said Act.

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3.It is seen from the affidavit filed in support of the transfer petition that the proceedings in A.R.O.P.No.74 of 2013 are posted for arguments. Though certain allegations have been made against the District Judge, it is learnt that the Presiding Officer has been transferred and new Presiding Officer has been appointed. Therefore, those grounds are also not available for the petitioner. Hence, this transfer petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

ASSISTANT REGISTRAR(writs)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The District Judge,
Tirunelveli.

+1 CC TO MR.D.SARAVANAN,ADVOCATE,SR NO.51937

+1 CC TO MR.R.J.KARTHICK,ADVOCATE,SR NO.51950

NS

MAS/MR:04.05.2017:2P-4C

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