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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR.CMP (MD) No.467 of 2016

and

C.M.P (MD) No.9499 of 2016

Soundravalli

... Petitioner/Defendant

vs.

K.Rajapandi

... Respondent/Plaintiff

Petition filed under Section 24 of the Civil Procedure Code, to pass an order to withdraw the case in O.S.No.205 of 2016 on the file of District Munsif Court, Melur and transfer the same to the file of District Munsif Court, Madurai.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.M.Ramasubramanian

ORDER

This petition has been filed seeking to transfer O.S.No.205 of 2016 on the file of District Munsif Court, Melur, to the file of District Munsif Court, Madurai.

2.The petitioner is the defendant in O.S.No.205/2016 and the respondent/plaintiff filed the said suit for permanent injunction restraining the petitioner herein from disturbing the possession of property in respect of which he claims to be a cultivating tenant under the petitioner.

3.The respondent appeared before this Court and filed counter affidavit. The respondent contends that he is the cultivating tenant under the petitioner and in fact, the petitioner issued two receipts for having received the rent from the respondent.

4.On earlier occasion, when this Court intended to send the said receipts to get a report from the Handwriting Experts about the signature of the petitioner appearing in those receipts, both the parties agreed for the same. However, in the meanwhile, the Trial Court set the petitioner ex parte and the matter is posted for ex parte evidence.

5.When the matter is pending before this Court, the trial Court has set the petitioner ex parte after noting that several adjournments were already obtained by the petitioner herein. In any event, both the parties are ready to contest the matter. Therefore, the ex parte order passed against the petitioner is set aside. Since the respondent has no objection for transferring the case from the file of the District Munsif Court, Melur, to the file of the Additional District Munsif, Madurai, O.S.No.205 of 2016 is



transferred to the Additional District Munsif Court, Madurai. The District Munsif Court, Melur, is directed to send all the records pertaining to O.S.No.205 of 2016, to the Additional District Munsif Court, Madurai, within two weeks from the date of receipt of a copy of this order.

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6.Since both the parties have agreed for sending the documents for Experts' opinion with regard to the signature found in the rental receipts relied upon by the respondent, the learned Additional District Munsif, Madurai, is at liberty to send the said rental receipts for Handwriting Experts' opinion.

7.With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, C.M.P(MD)No.9499 of 2016 is closed.

Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1)The District Munsif ,
Madurai.

2)The District Munsif Court,
Melur.

+1 cc to MR.T.Lajapathi Roy, ADVOCATE, SR NO: 5763

+1 cc to MR.M.Ramasubramanian, ADVOCATE, SR NO: 6051

SVA/SKN/13.02.2017/2P/5C

TR.CMP(MD)No.467 of 2016
01.02.2017