



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM :

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.478 of 2016 & C.M.P.(MD) No.9686 of 2016
and

Tr.C.M.P.(MD)No.479 of 2016 & C.M.P.(MD) No.9687 of 2016

Tr.C.M.P.(MD)No.478 of 2016:

D.Simson, S/o. L.M.Devadhas ... Petitioner
Vs.

1. Gopinathan Nair, S/o. Krishna Pillai
2. V.K. Madushoothanan ... Respondents

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the suit in O.S.No.120 of 2012 on the file of District Court, Kanyakumari at Nagercoil and to transfer the same to the District Court, Tirunelveli, or any other Court.

For Petitioner : Mr. T. Selvan

For R1 : Mr.M.P.Senthil

For R2 : No Appearance

Tr.C.M.P.(MD)No.479 of 2016:

Simpson, S/o.Devadhas ... Petitioner
Vs.

Gopinathan Nair, S/o. Krishna Pillai ... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the suit in O.S.No.5 of 2012 on the file of District Court, Kanyakumari at Nagercoil and to transfer the same to the District Court, Tirunelveli or any other Court.

For Petitioner : Mr. T. Selvan

For R1 : Mr.M.P.Senthil



COMMON ORDER

These petitions have been filed by the petitioner to withdraw the suits in O.S.No.120 of 2012 and O.S.No.5 of 2012 on the file of the District Court, Kanyakumari at Nagercoil and to transfer the same to the District Court, Tirunelveli.

2. Originally, the first respondent filed the suit in O.S.No.219 of 2010 before the Principal District Munsif Court, Padmanabhapuram, for recovery of possession, future mesne profits and for other reliefs. Subsequently, the said suit was transferred to the Principal District Court, Kanyakumari at Nagercoil and renumbered as O.S.No.120 of 2012. While so, the petitioner filed O.S.No.5 of 2012 before the District Court, Kanyakumari at Nagercoil, against the first respondent, for specific performance and permanent injunction.

3. In the affidavits filed in support of the Tr.C.M.Ps., the petitioner has made various averments making allegations against the Presiding Officer. Further, except making allegation against the Presiding Officer, no other valid ground is made out for transfer.

4. Mere allegation against the Presiding Officer itself, cannot be a ground for transfer. Hence, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected civil miscellaneous petitions are also dismissed. The Trial Court is directed to dispose of the suits, as expeditiously as possible, in any event, not later than 30.07.2017.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub-Assistant Registrar

To

1. The District Judge
Kanyakumari at Nagercoil.

2. The District Judge,
Tirunelveli.

+1 CC TO MR.M.P.SENTHIL, ADVOCATE, SR NO.17482

+1 CC TO MR.T.SELVAN, ADVOCATE, SR NO.17161

sss/smn2

MAS/KP:21.04.2017:2P-5C

Common order in

Tr.C.M.P. (MD) No.478 of 2016 & C.M.P. (MD) No.9686 of 2016

and

<https://hcservices.ecourts.gov.in/hcservices/> Tr.C.M.P. (MD) No.479 of 2016 & C.M.P. (MD) No.9687 of 2016

23.03.2017