

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

DATED: 06.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**TR.CMP(MD)No.549 of 2016****&****C.M.P(MD)No.11644 of 2016**

Shanmuga Priya

... Petitioner

Vs.

P.Rajasekaran

... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to transfer O.S.No.188 of 2008 from the file of I Additional Sub Court, Madurai to the Sub Court, Srivilliputhur.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : No appearance

JUDGMENT

The wife, who is the defendant in O.S.No.188 of 2008, has come before this Court seeking transfer of O.S.No.188 of 2008 from the file of I Additional Sub Court, Madurai, to the file of th Sub Court, Srivilliputhur.

2. Heard the learned counsel for the petitioner and perused the records. There is no representation for the respondent.

3.The suit in O.S.No.188 of 2008 has been filed by the petitioner seeking declaration of title in respect of four items of suit properties and for a consequential permanent injunction restraining the defendant from interfering with his possession. Except the first item of property which is situate at Vilangudi Village, Madurai North Taluk, the other two items are situate at Pudupalayam, Samusigaapuram Village at Rajapalayam Taluk, Virudhunagar District and fourth item of the property is situate at Rajapalayam Town at Virudhunagar District. The petitoner would contend that only with a view to file the suit at Madurai, he has included first item of property which indisputably stands in his name and it is alleged in the affidavit that the husband is not allowing her to conduct trial peacefully at Madurai. Though the respondent/husband has been served he has not appeared either through counsel or in person.



4. Considering the said reasons as well as the fact that major portion of the properties situate in Rajapalayam Taluk within the jurisdiction of the Sub Court, Srivilliputhur, the suit in O.S.No.188 of 2008 is ordered to be withdrawn from the file of the I Additional Sub Court, Madurai and transferred to the file of the Sub Court, Srivilliputhur.

5. In the interest of justice, this petition is allowed with the following directions:

i) The learned I Additional Subordinate Judge, Madurai, is directed to transmit the entire records in O.S.No.188 of 2008 to the file of the Sub Court, Srivilliputhur, within a period of two weeks from the date of receipt of copy of this order

ii) The learned Subordinate Judge, Srivilliputhur, after obtaining the records on transfer, is directed to dispose of the suit at the earliest at any rate not later than six months from the date of receipt of copy of the records in accordance with law and report such disposal of the suit to this Court.

No costs. Consequently, connected C.M.P.(MD) No.11644 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The I Additional Subordinate Judge, Madurai.
- 2.The Subordinate Judge, Srivilliputhur.

+1 cc to M/s.C.K.M.Appaji, Advocate in SR.No.50895

CM

CSL/KP/17.04.2017 :2P/4C

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& C.M.P(MD)No.11644 of 2016
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