



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty Fifth day of January Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.12077 of 2017

IN

TR CMP(MD) No.454 of 2015

T.GOMATHI

... PETITIONER/PETITIONER/DEFENDANT

Vs

MAHESWARAN

... RESPONDENT/RESPONDENT/PLAINTIFF

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to amend the prayer in in TR.CMP(MD)No. 454 of 2015, by inserting the learned Principal District Munsif, Trichirappalli, the Court which is having Jurisdiction to try civil suit instead of Special Mahila Court, Judicial Magistrate Level, Trichy.

Prayer in TR CMP(MD). 454/ 2015 :

Transfer Miscellaneous Petition filed under section 24 of CPC praying to withdraw the suit in O.S.No.157 of 2014 pending on the file of the Principal District Munsif Court, Thirupathur and transfer the same to Special Mahila Court Judicial Magistrate Level, Trichy in M.C.No.134 of 2015.

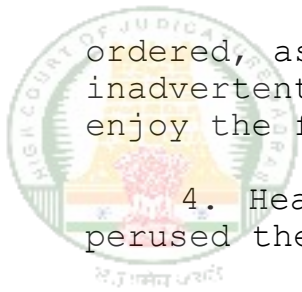
ORDER : This Civil Miscellaneous petition coming on for orders hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.Rajaprabu, Advocate for the petitioner and of Mr.V.Karuna, Advocate for the respondent and the Court made the following order:-

This Civil Miscellaneous Petition has been filed seeking permission of this Court to amend the Prayer in TR.C.M.P.(MD)No.454 of 2015, by inserting the "learned Principal District Munsif, Tiruchirappalli", instead of "Special Mahila Court, Judicial Magistrate Level, Trichy".

2. The learned Counsel for the petitioner would submit that the prayer in TR.C.M.P.(MD)No.454 of 2015 has to be like this, "...pending on the file of the Principal District Munsif Court, Thirupathur and transfer the same to Principal District Munsif Court, Tiruchirappalli", but, the erstwhile Counsel has wrongly mentioned the same as "...pending on the file of the Principal District Munsif Court, Thirupathur and transfer the same to the Special Mahila Court, Judicial Magistrate Level, Trichy".

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3. He would further submit that the said TR.C.M.P., was



ordered, as prayed for, by this Court on 10.03.2016. In view of this inadvertent mistake on their part, the petitioner is not able to enjoy the fruits. Therefore, he prays for appropriate modification.

4. Heard the learned Counsel appearing for the petitioner and perused the documents placed on record.

5. A perusal of records would show that this Court had already disposed of the said TR.C.M.P.(MD)No.454 of 2015, by an order dated 10.03.2016. The said order was passed as early as in the year 2016. After a lapse of one year, the present petition was filed, seeking to amend the prayer. Without recalling the earlier order, this petition cannot be decided.

6. Therefore, this civil miscellaneous petition is dismissed, with liberty to the petitioner to file a fresh petition.

sd/-

Assistant Registrar(CS-I)

Sub-Assistant Registrar

TO

1. THE PRINCIPAL DISTRICT MUNSIF,
THIRUPATHUR.
2. THE SPECIAL MAHILA COURT
JUDICIAL MAGISTRATE LEVEL
TRICHY

ORDER DATED :25/01/2018

ORDER

CMP(MD) No.12077 of 2017

IN

TR CMP(MD) No.454 of 2015

Dismissing this Petition
made in CMP(MD).No.12077/17
dated 25.01.2018 etc., as
stated within.

AE/MR/SAR2/12.02.2018/2P/3C