



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No. 2350 of 2016 and
C.M.P. (MD) No. 10890 of 2016

Syed Abubuckar Badhusa Levvai ... Petitioner/Petitioner/
Plaintiff

Vs.

1. Thangammal @ Mohamed Sulaihal
2. Jannathul Firdhoush Banu
3. A.S.Syed Ibrahim Levvai
4. A.S.Yasmin Banu
5. Syed Raviah Ammal
6. A.S.Faizathul Sithika Rani
7. A.S.Jamin Abdul Kafoor Levvai
8. A.S.Ferozkhan Levvai ... Respondents/Respondents/
Defendants

Prayer: Civil Revision petition is filed under Article 227 of Constitution of India, against the order of the Principal District Court, Ramanathapuram, dated 17.10.2016 in refusing to number the Transfer Original petition for withdrawing the suit in O.S.No.17 of 2014 pending on the file of the Additional District Court(Fast Track), Paramakudi, to its file on the ground that only the said Court is vest with territorial jurisdiction to decide the case.

For Petitioner : Mr.V.Sitharanjandas
For R-1 & R-3 to R-8 : Mr.N.GA.Natraj
For R-2 : Mr.V.Nagarajan

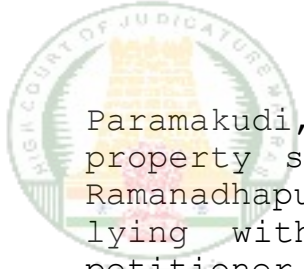
O R D E R

This Civil Revision petition has been filed against the order of the Principal District Court, Ramanathapuram, dated 17.10.2016 in refusing to number the Transfer Original petition for withdrawing the suit in O.S.No.17 of 2014 pending on the file of the Additional District Court(Fast Track), Paramakudi, to its file on the ground that only the said Court is vest with territorial jurisdiction to decide the case.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respondents 1 to 8.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner who is the plaintiff filed a suit in O.S.No.17 of 2014 on the file of the Additional District Court,



Paramakudi, for partition and for permanent injunction. The suit property situated at Ervadi Village, Kadaladi Taluk(Keezhakarai), Ramanadhapuram District. It is stated that the suit property is lying within the jurisdiction of Ramanathapuram. Hence, the petitioner filed Tr.O.P. petition before the Principal District Court, Ramanathapuram, to withdraw the suit in O.S.No.17 of 2014 pending on the file of the Additional District Court(Fast Track), Paramakudi, to its file.

4. The learned Principal District Judge, Ramanathapuram, returned the papers. It is the case of the petitioner that the suit property is lying within the Court concerned. Therefore, he wants to transfer the case from the file of the Additional District Court, Paramakudi, to the file of the Principal District Court, Ramanathapuram.

5. Learned counsel for the respondents have no objection for numbering the transfer petition.

6. In the result, the Civil Revision petition is allowed. Learned counsel for the petitioner seeks an order of interim stay till numbering the application. Hence, the learned Principal District Judge, Ramanathapuram, is directed to number the Tr.O.P., within a period of one week from the date of receipt of a copy of this order. After issuing notice to the respondents, learned Principal District Judge, Ramanathapuram, is directed to dispose of the Tr.O.P. petition within a period of two months thereafter. The learned Principal District Judge, Ramanathapuram, is also directed to consider the interim stay application without influencing the order passed by this Court and pass orders independently. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Ramanathapuram.
2. The Additional District Judge, Paramakudi.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.V.SITHARANJANDAS, ADVOCATE IN SR No. 61995

+ 1 CC TO Mr.N.GA.NATRAJ, ADVOCATE IN SR No. 62092

PMU

TE/KK/SAR-4 : 28/04/2018 : 2P/7C