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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.270 of 2019  
and C.M.P.No.7713 of 2019

A.Dhandapani

..Petitioner

versus

1.A.V.Chinna Gounder

2.C.Chinnaiya Veerappan

3.Tahsildar,  
Gingee Taluk,  
Gingee, Villupuram District.

..Respondents

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.690 of 2016 pending on the file of the learned Principal District Munsif, Gingee and transfer the same to the file of any of the learned Assistant Judge, City Civil Court, Chennai for adjudication according to law.

For Petitioners : Mr.R.Natarajan

For Respondents : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.690 of 2016 pending on the file of the learned Principal District Munsif, Gingee and transfer the same to the file of any of the learned Assistant Judge, City Civil Court, Chennai.

2. The petitioner has filed the suit for the relief of declaration of title in regard to 'B' Schedule property and for recovery of the suit property described in 'B' Schedule and for declaration of the sub division effected under proceedings bearing No.TK 509/1418 dated 24.03.2009 by the third respondent.



Moreover, the second respondent in the suit is a practicing advocate at Gingee and Villupuram, is also the Vice President of the Gingee Bar Association and ward member in Gingee Town Panchayat, apart from holding the position of a member in AIADMK Committee in Gingee, causing hindrance and threat to the petitioner to prosecute the pending suit on account of his position as Vice President of Gingee Bar Association. The other advocates, who are practicing in Gingee are also creating problem by standing in support of the second respondent. Therefore, if the pending civil suit in O.S.No.690 of 2016 on the file of learned Principal District Munsif, Gingee, is not allowed to be transferred, no fair order could be passed by the learned District Munsif.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. This Court had issued notice to the respondents and the same were served as early as on 26.04.2019 and 03.05.2019 and the petitioner has also served private notice on the respondents on 16.04.2019 and 23.05.2019 respectively and filed proof of service. Though Court notice and private notice were served on the respondents and their names are printed in the cause list, there is no representation on behalf of them either in person or through counsel. Hence, the attitude of the respondents would show that they are not having any objection for allowing this petition.

5. Taking note of the fact that the second respondent is a practicing advocate in Gingee, is also Vice President of the Gingee Bar Association and ward member in Gingee Town Panchayat, is creating threat to the petitioner, who is the petitioner/plaintiff in O.S.No.690 of 2016, this Court without going into merits of the case, deems it fit to transfer the suit pending on the file of the learned Principal District Munsif, Gingee, to the file of the learned Assistant Judge, Civil Court Court, Chennai.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. The petition in O.S.No.690 of 2016 is ordered to be withdrawn from the file of the learned Principal District Munsif, Gingee and transferred to the file of the learned Assistant Judge, Civil Court Court, Chennai. The learned Principal District Munsif, Gingee, is directed to transmit all



the records pertaining to O.S.No.690 of 2016 to the file of the learned Assistant Judge, Civil Court Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Assistant Judge, Civil Court Court, Chennai, is directed to take up the matter and dispose of the same, on merits as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Principal District Munsif,  
Gingee.
2. The Assistant Judge,  
City Civil Court,  
Chennai.
3. The Tahsildar,  
Gingee Taluk,  
Gingee, Villupuram District.

+1 cc to M/s.Rahman Sheriff, Advocate, S.R.No.52414

+1 cc to M/s.R.Natarajan, Advocate, S.R.No.51604

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SV(CO)  
SSM(09/09/2019)