

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.452 of 2019

Sri Nithyananda Swami ... Petitioner
rep. by his Power Agent
Sri Nithya Shuddhananda @
A.Sathiskumar now rep.by
Uma Devi.G @ Ma Nithya Gopikananda Swami

-Vs-

1. Swami Atmananda
2. Swami Duruvananda
3. Swami Gananeshwarananda

...Respondents

Prayer: Petition filed under Section 24(1)(b)(ii) of Civil Procedure Code seeking to withdraw the suit in O.S.No.90/2015 pending on the file of Sub Court, Nagapattinam and transfer the same to Principal Sub Court, Thanjavur.

For Petitioner : Mr.Venkatesh Mahadevan

For R.1 & R.3 : Mr.D. Prasanna
for M/s C. Anandaramani

O R D E R

This transfer civil miscellaneous petition is filed seeking to withdraw the suit in O.S.No.90/2015, pending on the file of Sub Court, Nagapattinam and transfer the same to Principal Sub Court, Thanjavur.

2. Learned counsel for the petitioner would submit that since there is no Presiding Officer appointed in Sub Court, Nagapattinam and the suit was filed in the year 2015, remained idle for more than three years, the petitioner was advised to move to another Court, where the Presiding Officer is available so that the suit can be disposed of without further delay, as the suit involves sensitive and crucial issues.

3. However, it is reported that recently the Presiding

Officer has also taken charge in Sub Court, Nagapattinam. Therefore, the major ground, for which, the transfer petition is filed, has vanished and if a direction is given to the learned Sub Judge, Nagapattinam to dispose of the matter expeditiously, since the suit in O.S.No.90/2015 has been pending for the past four years, no prejudice would be caused to anyone.

4. The learned counsel for the respondents also fairly agrees to the request made by the learned counsel for the petitioner and the respondents also undertake to co-operate with the early disposal.

5. Placing on record, this Court directs the learned Subordinate Judge, Nagapattinam to dispose of the suit in O.S.No.90 of 2015 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6. It is made clear that if any one of the parties seeks adjournment, the learned Subordinate Judge, Nagapattinam is directed to impose prohibitory costs to avoid protraction of the case for disposal.

SR

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Sub Judge, Subordinate Judge at Nagapattinam

+1cc to Mr.Venkatesh Mahadevan, Advocate, SR.No.75679

+1cc to Mr.C.Anandaramani Advocate, SR.No.75795

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Kak(03/09/2019)