



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.323 of 2013

Meena

... Petitioner/Plaintiff

Vs.

1.Sobana Rafi
2.Meenakshi Mohan Iyer
3.Mohan G Iyer
4.K.Ravichandran
5.T.S.Iruthayaraj
6.I.Amburose
7.Lucya
8.Sri Vavilapatti Chalapathi Rao
(R-2 to R-7 are given up)

... Respondents/Defendants

... Respondent/Plaintiff

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.271 of 2010 from the file of the Subordinate Judge, Kodaikanal and transfer the same to the Subordinate Judge's Court, Dindigul or any other nearby Subordinate Judge's Court.

For Petitioner : Mr.M.Saravanan

For R-1 : Mr.V.Janakiramulu

For R-8 : No appearance

For R2 to 7 : Given up

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to transfer the suit in O.S.No.271 of 2010 pending on the file of the learned Subordinate Judge, Kodaikanal to the learned Subordinate Judge, Dindigul or any other nearby Subordinate Judge's Court.

2.The reason for the transfer is on the ground that the Subordinate Court, Kodaikanal, is a Camp Court, where the Presiding Officer sits once a week namely, on Friday. Therefore, the suit which has been filed in the year 2010, has not been



proceeded even to the stage of framing issues, since the written statement has not been filed by the defendant till date and though nine years have been passed from filing of the suit.

3. In view of the above, this Court is inclined to transfer the suit in O.S.No.271 of 2010 from the file of Subordinate Court, Kodaikanal to the file of Sub Court, Palani. The learned Sub Judge, Kodaikanal is directed to transmit the entire records in O.S.No.271 of 2010 to the Sub Court, Palani and the learned Subordinate Judge, Palani is directed to take the suit on file and dispose of the same on merits and in accordance with law, within a period of four months from the date of receipt of the records from the Sub Court, Kodaikanal.

4. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1. The Subordinate Judge,
Kodaikanal.

2. The Subordinate Judge, Palani.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-85561[F] dated 06/09/2019)

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05.09.2019

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