



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

TR.C.M.P.NO.170 OF 2020

AND

C.M.P.NO.5645 OF 2020

C.Senthilvel

... Petitioner

Vs.

The Anbanathapuram Vahiyara Charities,
rep by its Chairman,
14, Dubas Street,
Thiruindalur, Mayiladuthurai.

... Respondent

Petition filed under Section 24 of the Code of Civil Procedure to withdraw the suits vide O.S.No.68 of 1948 as amended in O.S.No.17 of 1960 as amended in O.S.No.234 of 1994 on the file of the Principal Subordinate Judge, Mayiladuthurai and to transfer the same to Principal Subordinate Judge, Thanjavur or any other Courts having competent jurisdiction in nearby towns.

For Petitioner : Mr.V.Lakshminarayanan
for M/s.A.Ganapatheeswaran

For Respondent : Mr.M.Santhanaraman

O R D E R

The petitioner has filed the above Transfer Civil Miscellaneous Petition to withdraw the suits in O.S.No.68 of 1948 as amended in O.S.No.17 of 1960 as subsequently amended in O.S.No.234 of 1994 pending on the file of the Principal Subordinate Court, Mayiladuthurai and transfer the same to Principal Subordinate Court, Thanjavur.

2.In paragraph - 13 of the affidavit filed in support of the petition, the petitioner has stated that the learned Scheme Judge has hurriedly issued advertisement calling for application for filling up the vacancy arising out of Enathimangalam Village with last date for submission by 26.02.2020 by giving only 13 days time. The petitioner also applied for the said post.



Further, the petitioner has stated that the learned Judge has referred to C.R.P.No.1647 of 2019 and by wrongly interpreting the said judgment, has stated that if no suitable candidate is available from Enathimangalam Village, he will proceed by selecting candidates from other villages. Further, the petitioner has stated that this issue has been settled in C.R.P.No.955 of 1986, order dated 09.07.1986 itself and therefore, the observation made by the learned Scheme Judge is erroneous.

3.Mr.V.Lakshminarayanan, learned counsel appearing for the petitioner submitted that instead of transferring the Scheme Suits out of the Principal Sub Court, Mayiladuthurai, it would be suffice to transfer only the proceedings pertaining to the appointment of Trustees to the file of the Additional District Court, Mayiladuthurai.

4.The learned counsel appearing for the respondent has no serious objection for transferring the proceedings pertaining to the appointment of Trustees to the file of the Additional District Court, Mayiladuthurai.

5.Having regard to the submissions made by the learned counsel on either side, without disturbing the pendency of the suit in O.S.No.68 of 1948 as amended in O.S.No.17 of 1960 as subsequently amended in O.S.No.234 of 1994 pending on the file of the Principal Subordinate Court, Mayiladuthurai, I transfer the proceedings pertaining to the appointment of Trustees to the Charities to the file of the Additional District Court, Mayiladuthurai. The Additional District Judge, Mayiladuthurai shall make the appointments within a period of four weeks from the date of receipt of a copy of this order. The Additional District Judge is also directed to provide copy of the objections filed by the parties to both sides on filing of copy application.

6.With these observations, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

va



To

- 1.The Principal Subordinate Court, Mayiladuthurai.
- 2.The Principal Subordinate Court, Thanjavur.
- 3.The Additional District Court, Mayiladuthurai.

+1cc to Mr.M.Santhanaraman, Advocate, S.R.No.21436

+2cc to M/s.A.Ganapatheeswaran, Advocate, S.R.No.21522

Tr.C.M.P.No.170 of 2020
and

C.M.P.No.5645 of 2020

SPD(CO)
CS/12/03/2020