

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. Nos.436 & 437 of 2020

R.Nirmala ...Petitioner in Tr.C.M.P.No.436 of 2020

1.B.Rajendran

2.Nirmala ...Petitioner in Tr.C.M.P.No.437 of 2020

-vs-

D.Murugan ...Respondent in Tr.C.M.P.No.436 of 2020

1.D.Murugan

2.Dhandapani ...Respondents in Tr.C.M.P.No.437 of 2020

Prayer: Petitions filed under Section 24 of C.P.C to withdraw and transfer the O.S. Nos.29 & 149 of 2014 on the file of the Mahila Court, Cuddalore and to transfer the same to any other Courts in the Districts of Villupuram or in the Union Territory of Puducherry.

For Petitioners : Mr.R.Sreedhar

COMMON ORDER

The Transfer C.M.Ps. have been filed to transfer the O.S. Nos.29 & 149 of 2014 pending on the file of the Mahila Court, Cuddalore to any other Courts in the Districts of Villupuram or in the Union Territory of Puducherry.

2.Learned counsel appearing for the petitioners would submit that the petitioners have filed a suit in O.S. No.13 of 2010 before the learned Principal District Judge, Villupuram for recovery of Rs.52,57,890/- and the second respondent in Tr.C.M.P. No.437 of 2020, who was the son of the first

respondent, was set exparte, as he was continuously absent. Thereafter, the said suit was transferred to Fast Track Court - 2, Tindivanam and the same was again transferred to Fast Track Court - 1, Tindivanam and re-numbered as O.S. No.1 of 2012. Further the said Fast Track Court - 1 was converted as I Additional District Judge, Tindivanam and the said case has been re-numbered as O.S. No.1 of 2014 and transferred to the learned III Additional District Judge, Kallakurichi and the case was again re-numbered as O.S. No.149 of 2014 and transferred to the learned Principal District Judge, Cuddalore, who transferred the same to the I Additional District Judge, Cuddalore and the same was again transferred to the Mahila Court, Cuddalore during the Covid-19 pandemic period.

3.Learned counsel appearing for the petitioners would further submit that the petitioner in Tr.C.M.P. No.436 of 2020 has also filed another suit in O.S. No.4 of 2012 before the learned Principal District Judge, Villupuram seeking decree for specific performance under the registered sale agreement and the said suit has also been transferred to the learned Principal District Judge, Cuddalore and re-numbered as O.S. No.29 of 2014 and the same was again transferred to the learned I Additional District Judge and the same was finally transferred to the Mahila Court, Cuddalore.

4.The grievance placed by the learned counsel appearing for the petitioners would show that when the petitioners have moved the case seeking recovery on the ground that the respondents are trying to alienate the property, without even considering the prayer for grant of interim injunction, the matter has been transferred from one place to another place In the meanwhile, the respondents have been taking steps to alienate the property, as a result, the petitioners have been put to grave prejudice. Secondly, when the last transfer took place to the Mahila Court, Cuddalore, there was no judge in the Mahila Court to take care of the case. Therefore, if a direction issued for transferring the matter to any other Court where the matter could be disposed of, no prejudice would be caused to any one.

5.When the matters were taken up in the earlier occasion, the Registrar Judicial informed the Court that the learned Principal District Judge, Cuddalore earlier has transferred two suits to be tried by the Mahila Court, Cuddalore since additional charge was given to the Judge concerned. It is represented that now both sides have completed their arguments and the suits are ripened for judgment. Therefore, this Court is not inclined to accept the prayer for transferring the cases as this would further delay the disposal. Secondly, there has been a Judge given additional incharge of the Mahila Court, Cuddalore.

6. Accordingly, the petitions fail and the same are dismissed. Learned Mahila Court, Cuddalore is directed to dispose of the cases expeditiously by giving priority to the same. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

The Mahila Court,
Cuddalore.

+lcc to Mr.R.Sreedhar, Advocate, S.R.No.29175

Tr.C.M.P.Nos.436 & 437 of 2020

SPD (CO)
RN(06/11/2020)