

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.02.2020
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
Transfer C.M.P.No.935 of 2019

Mrs.R.Aniteen Princey

...Petitioner

vs.

1.R.Anetter Alwyn

2.The Sub Registrar
Karungal
Vilavangode Taluk
Kanyakumari Dist.

3.The Sub Registrar
Rajakammangalam
Agasteeswaram Taluk
Kanyakumari District

4.The Sub Registrar
Nagarkoil, Kanyakumari District

5.The Sub Registrar
Kottaram, Kanyakumari District

6.The Sub Registrar
Idalakkudi, Kanyakumari District

7.The District Registrar
Nagarkoil, Kanyakumari District

8.The District Registrar
Marthandam, Kanyakumari District

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw O.S. No.151 of 2019 pending on the file of Principal District Munsif Court, Nagercoil and transfer the same to the file of District Munsif Court, Sriperumpudur having equal jurisdiction.

For Petitioner : Mr.M.Kalyanasundaram,
for M/s.Soundararajan

For Respondent : M/s.Pass Associates for R1
Mr.T.M.Pappiah for R2 to R8
SPL. GP

O R D E R

The petitioner has come forward with the present transfer civil miscellaneous petition under Section 24 of the Civil Procedure Code to withdraw O.S. No.151 of 2019 pending on the file of Principal District Munsif Court, Nagercoil and transfer the same to the file of District Munsif Court, Sriperumpudur having equal jurisdiction

2. There is an order of this court dated 14.03.2018 made in Transfer C.M.P. No.504 of 2013, wherein O.S. No.79 of 2013, pertaining to a partition suit, has been transferred from District Court, Kanyakumari @ Nagercoil to District Court, Tirunelveli.

3. From the order of the Division Bench of this court dated 20.01.2016 made in W.A. (MD) No.1448 of 2015, it is very clear that the court was of the view that, while dealing with the matter pertaining to police protection, the court thought that the issue should be given a quietus without creating further openings for litigation. Unfortunately, further litigation has arisen and that the daughter of the deceased J.Roby, has claimed a share in the property. Even though some of the settlement deeds have been cancelled and the property has been vested with the respondent, this court is not inclined to render any factual finding with regard to the dispute or with regard to the settlement/cancellation and subsequent settlement of the property and also the partition suit filed by the respondent herein.

4. As there is an earlier order dated 14.3.2018 and that the petitioner apprehends that her brother is a lawyer and that he has got close nexus with the police and other persons, in order to rule out any issue on this score and that there are complaints against both the parties that are pending, in order to give a quietus and a composite judgment and decree be passed by a competent court, instead of transferring the matter as sought for by the petitioner to any of the courts situated at Chennai, as several properties are situated in and around Kanyakumari District, it is necessary that the matter has got to be tried together at District Court, Tirunelveli.

5. Taking note of the submissions of both parties and in the light of Section 24 of the Civil Procedure Code, the proceedings in O.S. No.151 of 2019 pending on the file of Principal District Munsif Court, Nagercoil is withdrawn and transferred to the file of District Court, Tirunelveli. The District Court, Tirunelveli, is expected to conclude the trial, as expeditiously as possible, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is disposed of as indicated above. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

Asr

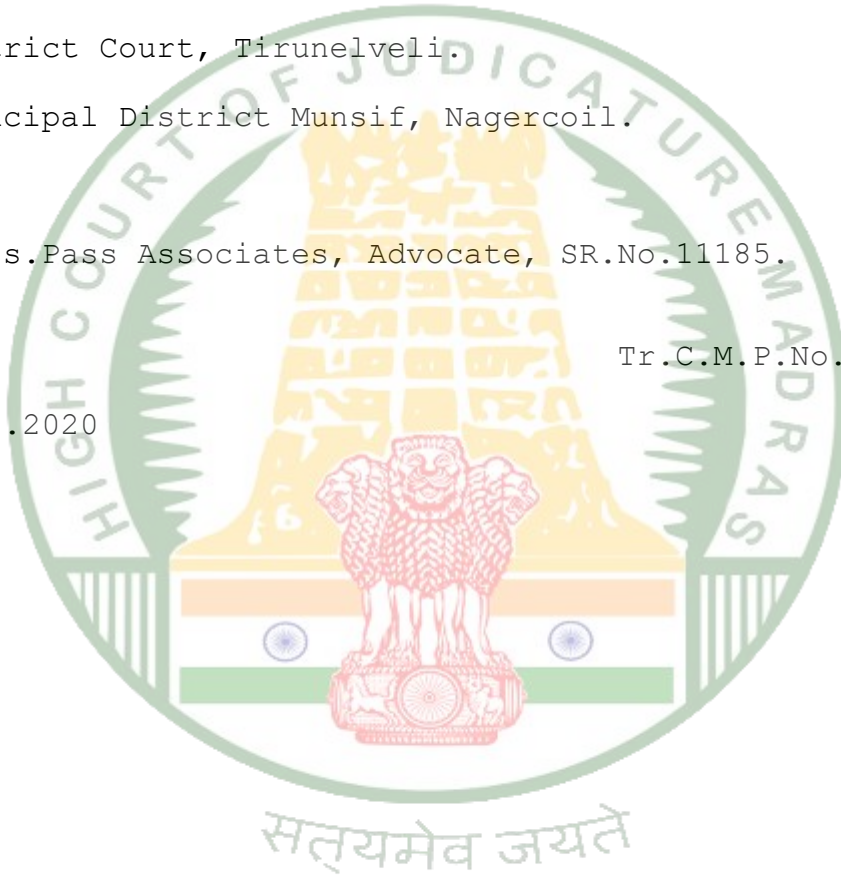
To :

- 1.The District Court, Tirunelveli.
- 2.The Principal District Munsif, Nagercoil.

+1cc to M/s.Pass Associates, Advocate, SR.No.11185.

Tr.C.M.P.No.935 of 2019

RK(CO)
CSR: 17.03.2020



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