



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.113 of 2020

and

C.M.P(MD) No.2259 of 2020

WEB COPY

P.C.Vijayalakshmi

... Petitioner/Plaintiff

-Vs-

1. Pappa

2. Thavamani Regenal Jayaseeli

... Respondents/Defendants

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the O.S.No.8 of 2019 pending on the file of Additional District Court, Tenkasi and transfer the same to the Additional District Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

For Respondents : No Appearance

O R D E R

The petitioner, who had filed a suit for partition in O.S.No.8 of 2019, on the file of the Additional District Court, Tenkasi, seeks transfer of the same to the file of the Additional District Court, Tirunelveli.

2. Heard the learned Counsel appearing for the petitioner. Though notice was served on the respondents and their names were printed in the cause list, there is no representation on their behalf.

3. The learned Counsel appearing for the petitioner submitted that the petitioner has filed a suit for partition against the respondents in O.S.No.8 of 2019 on the file of the Additional District Court, Tenkasi. Thereafter, Tirunelveli District was bifurcated and the Government formed a new District of Tenkasi. He further submitted that the petitioner is residing in Tirunelveli District and the property in question is also situated within the District of Tirunelveli. Further, the petitioner is aged about 76 years and she finds difficulty to travel about 90 kms to prosecute the case. Therefore, the petitioner seeks transfer of the same to the file of the Additional District Court, Tirunelveli.

4. In view of the said submission and also considering the fact that the petitioner is a senior citizen, this Court is inclined to transfer O.S.No.8 of 2019, on the file of the Additional District



Court, Tenkasi, to the Additional District Court, Tirunelveli.

5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Additional District Court, Tenkasi, is directed to transmit the papers to the Additional District Court, Tirunelveli, forthwith.

6. The learned Judge, Additional District Court, Tirunelveli, is directed to dispose of the proceedings in O.S.No.8 of 2019 on merits, within a period of six months from the date of receipt of the papers from the Additional District Court, Tenkasi, after due notice and opportunity to both parties. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional District Judge,
Tenkasi.
2. The Additional District Judge,
Tirunelveli.

Tr.C.M.P (MD) No.113 of 2020
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