



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.04.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Aplc(MD) No.48 of 2016
and
C.M.P(MD)No.3891 of 2016
in
Tr.C.M.P(MD)No.466 of 2015

Sengol Lawrance

... Petitioner

Vs.

Arulselvi

... Respondent

Review Application is filed under Order 47 Rule 1 & 2 & 151 of CPC, against the order, dated 10.03.2016 passed in Tr.C.M.P.(MD). No.466 of 2015.

Prayer in Tr.CMP(MD)No.466/2015:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the petition in I.D.O.P.No.23 of 2013 on the file of the Principal District court, Pudukkottai and transfer the same to the Principal District Court, Thanjavur with direction to try the same along with I.D.O.P.No.142 of 2015 on the file of the District Court, Thanjavur.

For Petitioner

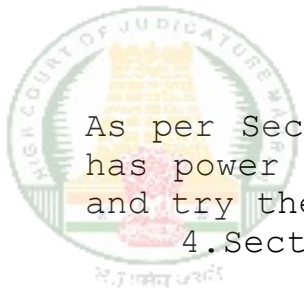
:Mr.Porkodi Karnan

ORDER

This review application is filed against the order, dated 10.03.2016, passed in Tr.C.M.P(MD)No.466 of 2015.

2.The Review petition is filed by the respondent in Tr.C.M.P (MD)No.466 of 2015 to reconsider the order, dated 10.03.2016 passed in Tr.C.M.P(MD)No.466 of 2015. By the said order, I.D.O.P.No.23 of 2013, on the file of the Principal District Court, Pudukkottai, filed by the Review Petitioner was withdrawn and transferred to the file of Principal District Court, Thanjavur to be tried along with I.D.O.P.No.142 of 2015.

3.The learned counsel for the petitioner submitted that the Principal District Judge has no territorial jurisdiction to try the I.D.O.P., and therefore, there is an error apparent in the order sought to be reviewed. The said contention is untenable.



As per Section 24 of C.P.C., this Court as well as District Court has power to withdraw and transfer any case, pending in any Court and try the same or transfer to any Court subordinate to it.

4. Section 24 of C.P.C., reads as follows:

"24. General Power of transfer and withdrawal.-

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage-

(a) transfer any suit, appeal or other proceedings pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceedings pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-Section (1), the Court which [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either re-try it or proceed from the point at which it was transferred or withdrawn.

(3) For the purpose of this Section,-

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) "proceedings" includes a proceeding for the execution of a decree or order.]

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

[(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.]"

4. When an order is passed exercising the power of Section 24 of C.P.C., this question of territorial jurisdiction has not arise. There is no error in the order, dated 10.03.2016 passed in Tr.C.M.P(MD)No.466 of 2015, as alleged by the learned counsel for



5. In the result, the review application is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Principal District Court,
Pudukkottai.

2. The Principal District Court,
Thanjavur.

+One cc to M/s. Polax Legal Solutions, Advocate, SR.No.22312

am

RL/4C/3P/GSV/PM/28/4/2016

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