

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.210 of 2021
and C.M.P.No.5967 of 2021

1.R.Gayathri

2.A.Nageswari

3.P.Sheela

4.P.Dillibabu

... Petitioners

Vs.

1.Mohammed Shuaib Musvee

2.Shagufta Musvee

.. Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 CPC, to transfer O.S.No.226 of 2018 from the file of the Additional District Munsif Court, Alandur, to the file of the Principal District Court, Chengalpattu, to be tried along with O.S.No.281 of 2018.

For Petitioner : Mr.C.Umashankar

ORDER

Seeking transfer of O.S.No.226 of 2018 from the file of the Additional District Munsif Court, Alandur, to the file of the Principal District Court, Chengalpattu, to be tried along with O.S.No.281 of 2018, this transfer civil miscellaneous petition has been filed.

2. It is pertinent to note that both the Additional District Munsif Court, Alandur and Principal District Court, Chengalpattu, are falling under the territorial jurisdiction of the District Court, Chengalpattu. Thus, the District Court, Chengalpattu, has jurisdiction to entertain a transfer petition for transfer of the cases with reference to the reasons stated in the petition filed by the petitioner. This being the factum, the petitioner is at liberty to approach the District Court, for transfer of the cases within the District.

3. This Court is of the considered opinion that the powers conferred on the District Court for transfer of cases within the district need not be usurped by the High Court unnecessarily. The powers conferred under the Code of Civil Procedure can be exercised by the Courts concerned. This Court, in detail, has discussed the powers of the District Court and the High Court and delivered a judgment in Reshma Begam and Others Vs. Syed Nawab Jan and Others¹.

4. Accordingly, if a transfer of petition is to be made within the District, then, a petition for transfer is to be filed before the District Court and if a transfer of petition is to be made from District to District, then, a petition for transfer is to be filed before the High Court.

5. This being the constructive interpretation adopted with reference to Section 24 CPC, the petitioner is at liberty to approach the District Court, Chengalpattu, for the purpose of redressal of his grievances.

With this liberty, this transfer civil miscellaneous petition is disposed of. No costs. Connected C.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Additional District Munsif,
Alandur.

2.The Principal District Judge,
Chengalpattu.

Tr.C.M.P.No.210 of 2021

SSN(CO)
KM(28/04/2021)