

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.249 of 2013
M.P.No.1 of 2013

1.M/s.G.Ramasamy Naidu Charity Trust,
R.V.G.Higher Secondary School Campus,
Kuruchikittai-642 112, Udumalpet.

2.R.Santhosh

3.R.Vimala

... Petitioners

vs.

1.V.Rajkumar
2.V.Manoharan
3.Ponnammal
4.Venkataraman
5.The Headmaster,
R.V.G.Higher Secondary School,
Kuruchikottai, Udumalpet Taluk.
.. Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to permit the petitioner to withdraw the suit in O.S.No.403/2006 on the file of the District Judge, Coimbatore and transfer to the file of the District Court, Tirupur.

For Petitioner : Mr.M.Sriram

For Respondent :
Mr.R.Aranganathan for R1

Mr.C.Hanumantha Rao for R2

No-appearance for RR4 & 5

R3-not ready in notice

D E R

O R

The petition for transfer is filed to withdraw the suit in O.S.No.403/2006 on the file of the District Judge, Coimbatore and transfer the same to the District Court, Tirupur.

2. The suit was instituted for permanent injunction and a direction before the District Judge, Coimbatore. Due to the bifurcation of Tirupur District, the Court at Coimbatore raised an objection by stating that the suit properties are situated within the jurisdiction of Tirupur District. Therefore, Coimbatore Court cannot proceed with the trial.

3. The learned counsel for the petitioners reiterate that the petition for transfer is filed mainly on administrative grounds. In view of the fact that the suit properties are situated within the jurisdiction of Tirupur District, the Court at Coimbatore may not have jurisdiction and if the suit is dismissed finally on technical grounds, great hardship would be caused to the parties to the original suit.

4. This Court is of the opinion that it is an administrative transfer, for which, the present petition is filed. Admittedly, the suit in O.S.No.403/2006 was instituted before the District Court, Coimbatore. Due to the bifurcation of Tirupur from Coimbatore District, now the suit is to be transferred to Tiruppur District as the suit properties are situated within the jurisdiction of Tiruppur District. In this view of the matter, O.S.No.403 of 2006 pending on the file of the District Judge, Coimbatore stands transferred to the District Court, Tirupur. The District Court, Tirupur is requested to dispose the suit as expeditiously as possible as the suit is pending for the past 14 years.

5. With these observations, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS III)

/true copy/

Sub Asst. Registrar

ssb

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To

1.The District Judge, Coimbatore

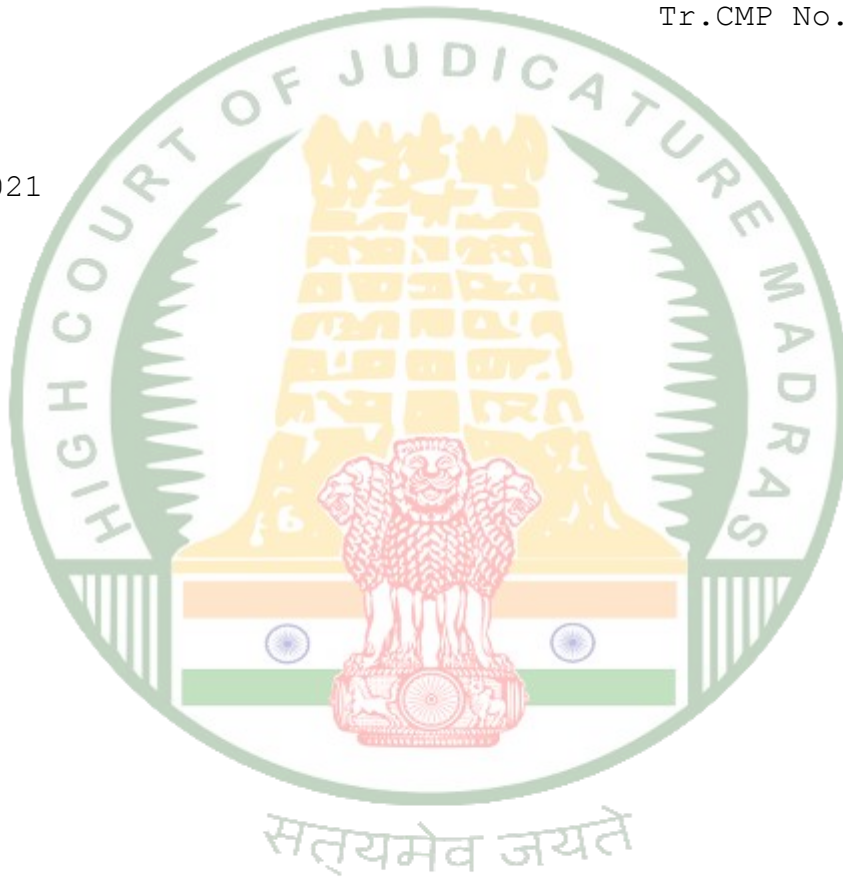
2.The District Court, Tirupur.

+1 cc to Mr.M.Sairam Advocate sr1576

+1 cc to Mr.R.Aranganathan Advocate sr1087

Tr.CMP No.249 of 2013

gmr (co)
aa03/02/2021



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