

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 05-01-2021
Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.439 of 2020
And
C.M.P.No.9404 of 2020

M.Ponnusamy

.. Petitioner

vs.

1.R.V.Rajee
2.Tmt.P.Revathi
3.A.Muthusamy
4.C.Muthukumar

.. Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw the suit in O.S. No.149 of 2014 on the file of the learned III Additional District Judge, Coimbatore and transfer the same to the file of any other Competent Court in Coimbatore District.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel for
Mr.T.Gopinathan

For Respondent-1 : Mr.S.Karthikai Balan

For Respondents-2to4 : No Appearance

O R D E R

The relief sought for in the present Transfer Civil Miscellaneous Petition is to withdraw the suit in filed in O.S.No.149 of 2014 before the III Additional District Judge, Coimbatore and to transfer the same to any other Competent Court in Coimbatore District.

2. Certain allegations are raised against the Judicial Officer while deciding I.A.No.6 of 2020 in O.S.No.149 of 2014. The learned III Additional District and Sessions Judge, Coimbatore passed an order on 08.07.2020 and made an observation in paragraph-16 as extracted hereunder:-

"16. Taking in view the conduct of the respondents, this Court directs the respondents 1 to 4 to maintain status quo in respect of the suit schedule properties until further orders and till this case gets transferred to another Court and decided by another Judge. Memo filed by the fourth respondent by email on 07.07.2020 is also recorded. The main case and all connected applications shall be posed after two months to enable the respondents to get this case transferred to some other Court as intended by them. Call on 09.09.2020."

3. Pursuant to the said observation, the present Tr.CMP is filed.

4. The learned Senior Counsel appearing on behalf of the petitioner states that the petitioner has chosen to withdraw the present Tr.CMP. Beyond the said contention of the learned Senior Counsel for the petitioner, this Court is of the considered opinion that the Tr. CMP is filed to transfer the case within the Coimbatore District and therefore, the petition for transfer is not maintainable before the High Court. If at all the petitioner has chosen to transfer the petition, appropriate petition is to be filed before the Principal District Court, Coimbatore, as per the provisions of the Code of Civil Procedure. However, the learned Senior Counsel has now made a submission that the transfer petition may be dismissed as withdrawn. In view of the said submission of the learned Senior Counsel for the petitioner, the Tr.CMP No.439 of 2020 stands disposed of as withdrawn. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn
To

The III Additional District Judge,
III Additional District Court,
Coimbatore.

+1cc to Mr.T.Gopinathan , Advocate SR.No. 733

Tr.CMP No.439 of 2020

SSV co
A.SK(03.02.2021) .