



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.64 of 2021 and

CMP (MD) .No.1205 of 2021

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Gomathiammal

... Petitioner/1st Defendant

-vs-

1.N.Selvi

...Respondent No.1/Plaintiff

2.P.Radhakrishnan

3.P.Pattani@Saravana Kumar

4.Kathiresan Chettiyar

5.Kalpana

6.Raja

7.Dhavamani

... Respondents 2 to 7/Defendants 2 to 7

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the suit in O.S.No.354 of 2019 on the file of I Additional District Judge, Madurai and transfer the same to the Additional District Court, Paramakudi.

For Petitioner: Mr.S.Srinivasa Raghavan

For R1 : Mr.M.Rajaraman

For R2 to R7 : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.354 of 2019 on the file of I Additional District Judge, Madurai and transfer the same to the Additional District Court, Paramakudi.

2.The learned counsel for the petitioner submitted that the petitioner herein is the first defendant in the suit in O.S.No.354 of 2019. The respondents 2 and 3 are the petitioner's sons. The petitioner has settled properties in their favour much before the suit by means of execution of a deed of Inam Settlement and it is the duty of the petitioner to prove the transaction that transpired before execution of the Deed of Inam Settlement by the petitioner in favour of her sons. The petitioner is aged about 88 years and she is residing at Paramakudi in Ramanathapuram District. Due to her advanced age and health complications, she could not able to travel from Paramakudi to Madurai for attending the Court hearing in O.S.No.354 of 2019. The Additional District Court, Paramakudi is having jurisdiction. Therefore, the petitioner seeks to transfer the case to Paramakudi.

3.The learned counsel for the first respondent strongly opposed



to transfer the case to Paramakudi.

4.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition and perused the materials available on record.

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5.Considering the facts and circumstances of the case and considering the fact that the petitioner is a senior citizen, aged about 88 years, O.S.No.354 of 2019 is withdrawn from the I Additional District Court, Madurai and transferred to the file of Additional District Court, Paramakudi, for disposal as per law. The learned I Additional District Judge, Madurai, is directed to transmit the papers to the file of the Additional District Court, Paramakudi, forthwith. The learned Additional District Judge, Paramakudi, is directed to dispose of the case in O.S.No.354 of 2019 on merits and in accordance with law as expeditiously as possible.

6.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

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 I Additional District Judge, Madurai
- 2.The Additional District Judge, Paramakudi

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-22982[F] dated 16/07/2021)

Tr.C.M.P. (MD) No.64 of 2021 and
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16.07.2021

RD(27.07.2021) 2P 4C