



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.04.2021
CORAM

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

TR.C.M.P. (MD)No.184 of 2021
and
C.M.P. (MD)No.3463 of 2021

Murugesan : Petitioner /4th Defendant

Vs.

1.R.Ravichandran
2.R.Jegan, : Respondents/Plaintiff
3.Kalavathi (Died)
4.Arulkumaran
5.Arumugam
6.Chellamuthu

7.The Tahsildar,
Palani Taluk Office, Palani Post and Taluk.

8.The Village Administrative Officer,
Village Administrative Office,
Thattankulam, nearby Palani Taluk Office,
Palani, Palani Taluk.

9.The Joint Registrar-I,
District Registrar Office,
Palani Town and Taluk.

10.Selvarani
11.Eswaramoorthy
12.Kanagaraj
13.Kavitha : Respondents 3 to 13/Respondents 1 to 3 & 5 to 13

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to call for the entire records in O.S.No.265 of 2014 on the file of the District Munsif Court, at Palani and transfer the same to any other competent Court.

For Petitioner :Mr.R.Suresh

ORDER

The petitioner seeks transfer of O.S.No.265 of 2014 pending on the file of the District Munsif Court, Palani, to any other competent Court to try and dispose of the suit.



2.The ground on which the petitioner seeks transfer is that since the value of the property is over and above the pecuniary jurisdiction of the District Munsif Court, the learned District Munsif, Palani, will not have jurisdiction to try the suit. In fact, a similar plea has been taken by the petitioner before the learned District Munsif, Palani, himself and it is also seen from the records that an application for amendment of the plaint is pending.

3.I do not think that this by itself Could could be a ground to transfer the suit from the file of the District Munsif Court, Palani. Admittedly, the question of valuation is pending before the trial Court and it is for the trial Court to pronounce upon it. If the trial Court finds that that suit would be beyond its pecuniary jurisdiction, it is always open to the trial Court to exercise the power under Order VII Rule 10 of CPC to return the plaint for presentation to the proper Court. Hence, I do not see any merit in the Transfer Civil Miscellaneous Petition, therefore, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

The District Munsif, Palani.

+1 CC to M/s.R.SURESH, Advocate (SR-15073[F] dated 01/04/2021)

TR.C.M.P. (MD)No.184 of 2021

01.04.2021

=

CN(18.05.2021) 2P 3C