



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.335 of 2022

and

C.M.P.No.6659 of 2022

1. R.Devaraj
2. R.Ramalingam
3. Gnanavel
4. J.Sarashwathi
5. A.Kamila Banu
6. D.Selvi
7. M.Narayanan
8. P.Ramanathan
9. E.Karthikayani
10. S.Manohari
11. Jayalakshmi
12. S.Chinnaponnu
13. S.Kanchana
14. M.Geetha
15. T.S.Suresh

.. Petitioners

VS

R.Panjavarna Selvi

.. Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in I.P.No.1 of 2022 pending on the file of the Hon'ble Sub-Court, Melur and to transfer the case in I.P.No.1 of 2022 to any of the competent Court at Chennai.



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For Petitioners : Mr.N.Desinghu

For Respondent : Mr.M.Sathishkumar

ORDER

The transfer petition has been filed to transfer the I.P.No.1 of 2022 pending on the file of the Sub-Court, Mellur, Madurai District to a competent Court at Chennai.

2. A perusal of the insolvency proceedings filed by the respondent reveals that the application was filed under Section 10 of the Provincial Insolvency Act, 1920 on the file of the Sub-Court, Mellur, Madurai District. As far as Chennai city is concerned, the Presidential Town Insolvency Act, 1909 would be applicable and the original side of the Madras High Court has got jurisdiction to entertain the insolvency petition under the provisions of the Presidential Town Insolvency Act, 1909.

3. Thus, the application filed under the Provincial Insolvency Act, 1920 before the Sub-Court cannot be transferred to the original side of the



Madras High Court, since the procedures under the said two Acts are distinct and different.

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4. That apart, the reason stated for transferring the insolvency proceedings are unacceptable. The insolvency petition is filed in the place where the case arose and thus, there is no reason to transfer the insolvency petition from Mellur, Madurai District to Chennai and consequently, the transfer petition stands dismissed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.12.2022

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Index : Yes / No

Speaking order / Non-speaking order

To

1. The Sub-Court, Mellur, Madurai District.



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S.M.SUBRAMANIAM, J.

(drm)

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