



Tr.C.M.P.No.188 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Tr.C.M.P. No.188 of 2013
and M.P.No.1 of 2013

Minor A.Harshavardhan
Rep by P.Muthuswamy
Next friend under Power of Attorney
dated 19.12.2006 from
M.Anand Palani Swamy, father and
Natural Guardian of Minor ... Petitioner

..Vs..

1.K.Senthilkumar
2.K.Ravichandran
3.K.Jayakumar
4.Rajamani (Died)
5.K.Ramasamy
6.R.Rajkumar
7.R.Amudha
8.P.Sivakumar
9.Sarojini
10.Bhuvaneswari
11.Renukadevi
12.Chellamal ... Respondents

Prayer:- Transfer Civil Miscellaneous Petition is filed under Section 24 of



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C.P.C., to withdraw and transfer the suit including I.A.CFR. No.3406 of 2011 in O.S.No.777 of 2004 from the file of the learned Additional District Judge No.V, Coimbatore, to the file of the learned District Judge, Erode or any other competent Court.

For Petitioner : Mr.P.Muthuswamy,

Party-in-Person.

ORDER

This Tr.C.M.P., is filed seeking transfer of O.S. No. 777 of 2004 including I.A.CFR. No. 3406 of 2011 from the learned Additional District Judge V, Coimbatore to the file of the learned District Judge, Erode.

2. The petitioner herein is the 5th plaintiff in O.S.No.777 of 2004. The suit in O.S.No.777 of 2004 was filed by the plaintiffs/respondents 1 to 3 herein for partition.

3. The petitioner is represented by Power of Attorney and he appeared before this court as party in person and submitted that the suit in O.S.No.777 of 2004 was pending for long time before the trial court,



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without any progress. I.A.CFR.No.3406 of 2011 was filed in the suit to direct proposed 5th plaintiff/petitioner herein to appear before trial court to give oral evidence. The trial court rejected the said application on the ground that the petitioner has not been impleaded as a party in the main suit. He further submitted that impleading petition has been returned by the trial court holding that since the proposed defendant is a minor, guardian petition is pending for orders.

4. According to the petitioner/party-in-person, the said order passed is against law and it shows that the learned Judge, trial court, with a biased mind passed the said order. The petitioner-party-in-person therefore, seeks to withdraw and transfer the suit in O.S.No.777 of 2004 from the file of learned Additional District Judge No.V Coimbatore to the file of learned District Judge, Erode.

5. On a perusal of records, it is seen that there are claims and rival claims between the parties in the suit. The party-in-person who is representing the proposed 5th plaintiff in the suit, is not a party to the suit



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and he has no right over the suit property. Further, the petitioner has no *locus standi* to file this Tr.C.M.P., seeking transfer of the suit in O.S.No.777 of 2004. Finding no merits in the petition, this Tr.C.M.P., is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2022

Jer/nvsri

To

1.The Additional District Judge No.V, Coimbatore.

2.The Section Officer, V.R.Section, High Court, Madras.



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J.NISHA BANU, J.,

Jer/nvsri

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