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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.787 of 2021
and CMP No.18348 of 2021

Shantha Kumari

... Petitioner

Vs

A.Madasamy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24(2) of the Code of Civil Procedure, 1908, pleased to order for withdrawal of O.S.No.87/2018 from the file of the learned Sub Judge at Valliyur and transfer the same to the learned VI Additional Family Court at Chennai to be tried along with M.C.No.326/2018.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.C.K.M.Appaji

O R D E R

The wife seeks transfer of O.S.No.87 of 2018 pending on the file of the Sub Court, Valliyur to the Family Court, Chennai to be heard along with M.C.No.326 of 2018 filed by her. The suit in O.S.No.87 of 2018 has been filed by the husband for a declaration of his title and for permanent injunction. The property is admittedly situate at Thannarkulam Village within the jurisdiction of Sub Court, Valliyur. Being a suit relating to immovable property, the same has to be conducted at the place where the property is situate.

2.The pendency of the M.C. which is a summary proceeding cannot be a ground for transferring a suit which is a substantial suit for declaration to the Family Court. Hence, this Transfer Civil Miscellaneous Petition is dismissed. However, there will be a direction to the Sub Court, Valliyur to



dispose of the suit in O.S.No.87 of 2018 within a period of eight (8) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vs

To

1.The Subordinate Judge, Valliyur.

2. The VI Additional Family Court Judge
Chennai

+1 CC to Mr.S.Parthasarathy, Advocate sr 6981

+1 CC to Mr.C.K.M.Appaji, Advocate sr 6397

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MT (CO)
SP (24/02/2022)