



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

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CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP. No.1105 of 2022

1.S.Renuka
2.S.Varshini
3.S.Dharshini
4.V.Shivaji
5.V.Kumar

... Petitioners

Vs.

L.Arun alias Murugaiya

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the suit in OS.No.41 of 2008 on the file of the District Mahila Judge, Chengalpattu to any other Court of competent jurisdiction to City Civil Court, Chennai.

For Petitioners : Mr.N.Jothi
for Mr.S.Vinod

ORDER

This instant transfer application is filed by the petitioners seeking transfer of suit for partition filed in O.S.No.41 of 2008 on the file of the District Mahila Court, Chengalpattu, by the respondent claiming himself as an adopted son of the 1st petitioner's father-in-law.



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2. According to the petitioners, there is no regular Presiding Officer in the concerned court and hence the progress of the case got hampered. It was stated that cases pending in District Mahila Court is being handled by Presiding Officer (in-charge) for quite long time and hence progress of petitioners' case is very slow. It is also submitted that the petitioners herein filed a transfer application before the Principal District Judge on 29.08.2022 seeking transfer of the case from the file of the District Mahila Court to the file of Principal District Judge and the said application was returned with an endorsement that the petition was not maintainable.

3. This court is not inclined to entertain this transfer petition on the ground that there is no regular Presiding Officer in the District Mahila Court, Chengalpattu. It is stated by the petitioners that they had already filed a transfer application before the Principal District Judge for transferring the case to the file of the Principal District Judge, Chengalpattu and the same was returned raising a question of maintainability. As far as intra District transfer is concerned, the Principal District Judge has got every power to withdraw any suit, appeal or other proceedings pending in any court subordinate to him and try and dispose of the same. Therefore, it is open to



the petitioner to re-present the petition dated 29.08.2022 filed by him before the Principal District Judge, Chengalpattu, which according to the petitioners, was returned. When the petitioners have got an effective remedy before the Principal District Judge, under Section 24(1) of CPC, this Court is not inclined to entertain this transfer petition.

4. Consequently, this Transfer Civil Miscellaneous Petition is dismissed with liberty to the petitioners to re-present the petition filed by them before the Principal District Judge, Chengalpattu. If the petitioners re-present the transfer application which was already returned by the Principal District Judge, Chengalpattu, the same shall be numbered within a period of ten days from the date of representation, if otherwise in order and it shall be disposed of within a period of four weeks from the date of service of notice on the other side. No costs.

09.11.2022

Index : Yes/No

Internet : Yes/No

gv

Note: Issue order copy on 10.11.2022



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S.SOUNTHAR.,J.

Gv

To

- 1.The District Mahila Judge,
Chengalpattu.
2. The Principal District Judge,
Chengalpattu.

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