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Tr.C.M.P.No.1268 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1268 of 2022

and

C.M.P.No.21466 of 2022

Mr.Samjee

... Petitioner/Plaintiff

Vs.

1.Mrs.Nasreen Fathima

2.Mrs.Minnaj Begam

3.M.Naufal

... Respondents/Defendants

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.486 of 2019 pending on the file of the Sub-Ordinate Judge, Pollachi and transfer the same to the Additional Family Judge, Coimbatore and try the same along with the GWOP No.312 of 2021, pending on the file of the Additional Family Judge, Coimbatore.

For Petitioner

: Mr.A.Thiyagarajan



ORDER

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The transfer petition is filed to transfer OS No.486 of 2019, pending on the file of the Sub-Court Pollachi to the Additional Family Court Coimbatore, to be tried along with GWOP No.312 of 2021.

2. In view of the fact that the transfer application is filed to transfer the cases within the district, the petitioner has to approach the Principal District Judge under Section 24 of the Code of Civil Procedure for transfer.

3. The learned counsel for the petitioner made a submission that such a transfer application was already filed before the Principal District Judge Coimbatore and the District Court Registry returned the case papers on the ground that the petition is to be filed before the appropriate forum.

4. Regarding such cases praying transfer of the case from one Court to another Court within the District, falling under the administrative control of the same District Judge, have to be considered by the District Judge on merits, and in accordance with the law. The legal principles in this regard



are decided by this Court in *Transfer Civil Miscellaneous Petition (MD).No.458 of 2016*, in the case of *Reshma Begum Vs. Syed Nawab Jan*, reported in *2016 (5 LW, 385)*.

5. In view of the principles laid down by the High Court in the case cited supra, the registry of the District Court has to entertain the transfer application and the petition is to be decided on merit and in accordance with the law by the Court concerned. The petitioner is at liberty to represent the transfer application before the District Court for numbering and for hearing.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands **disposed of**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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20.12.2022

Index : Yes

Internet : Yes

Speaking order



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S.M.SUBRAMANIAM, J.

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To

1. Sub-Ordinate Judge, Pollachi.
2. Additional Family Judge, Coimbatore.

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