



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

Tr.C.M.P(MD) .No. 89 of 2022

AND

CMP(MD)No.1924 of 2022

V. Krishnan

.. Petitioner/2nd Defendant

Vs.

1.Muthuchamy Chettiar
2.Karuppasamy Chettiar
3.Murugesu Gounder

... 1st & 2nd Respondent/Plaintiffs
... 3rd Respondent/1st Defendant

Prayer: This Transfer CMP is filed under Section 24 CPC to withdraw the civil suit in O.S.No.100 of 2011 on the file of the District Munsif Court, Palani and transfer the same to the file of any other District Munsif Court, Dindigul District.

For Petitioner : Mr.V. Nagendran

ORDER

The revision petitioner / 2nd defendant filed this Transfer CMP to transfer the proceedings in O.S.No.100 of 2011 from the file of the District Munsif Court, Palani to any other District District Munsif Court, Dindigul.

2. Heard the learned counsel appearing for the petitioner. No adverse order passed against the respondents and hence, notice to the respondents is not necessary.

3. Originally, the said suit was decreed as ex parte and the Execution Petition was also filed in E.P.No.9 of 2017. To set aside the ex parte decree petition was filed by the defendants. At that stage, the revision petitioner / first defendant filed one Transfer CMP.No.188 of 2021 before this Court to transfer the matter to some other Judge. Since the District Munsif has been transferred, the said Petition was dismissed.

4. Since the petition to set aside the ex parte decree was dismissed, the petitioner filed CRP(MD).Nos.465 and 741 of 2018 before this Court to set aside the ex parte decree and that petition



was allowed. Before allowing the Civil Revision Petitions, E.P.No.9 of 2017 delivery of possession was ordered to hand over to the respondents / plaintiffs. Now, the petitioner has filed E.A.No.2 of 2021 to set aside the order passed in Execution Petition since the ex parte decree already set aside.

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5. Now, the present Transfer Civil Miscellaneous Petition is filed by the petitioner to transfer the suit in O.S.No.100 of 2011 to some other District Munsif at Dindigul.

6. Since the suit was already heard, the learned District Munsif, Palani is directed to dispose of the suit in O.S.No.100 of 2011 within a period of one month from the date of receipt of a copy of this order along with E.A.No.2 of 2021.

7. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

11/03/2022

Sub Assistant Registrar(CS)

trp

To

1.The District Munsif,
Palani,
Dindigul District.

2.The District Munsif,
Dindigul.

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-10942[F] dated 09/03/2022)
Tr.C.M.P(MD).No. 89 of 2022

09.03.2022

SP(CO)

GC(11.03.2022) 2P 4C