



Tr.C.M.P.No.379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.379 of 2023

and

C.M.P No.8095 of 2023

C.Sarojini

..Petitioner

Vs.

1.R.Arularasan

2.The Sub Registrar, Joint -I,
Office of Sub-Registrar Office,
No.52, Orrkki Madura,
Udhaiyamankulam Village,
Kanchipuram – 631502.

3.P.Alexander

..Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the suit in O.S.No.178 of 2022 pending on the file of the District Court No.II, Kanchipuram and transfer the same to the Additional City Civil Court, Chennai and with further direction



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to try the same along with the suit in O.S.No.2970 of 2020 on the file of the Additional City Civil Court, Chennai.

For Petitioner : Mr.M.Dinesh
for M/s.Arunai Associates

For Respondents : Mr.T.Gnana Banu for R1

ORDER

This application is filed seeking to withdraw O.S.No.178 of 2022 pending on the file of the District Court No.II, Kanchipuram and transfer the same to the Additional City Civil Court, Chennai and with a further direction to try the same along with the suit in O.S.No.2970 of 2020 on the file of the Additional City Civil Court, Chennai.

2. Heard the learned counsel for the petitioner and also the learned counsel for the 1st respondent.

3. One of the major ground on which the petitioner sought for transfer of the suit from Kanchipuram to other Court is that the Presiding Officer of the Court is biased towards the respondent.



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4. It is reported by the learned counsel for the respondent and confirmed by the learned counsel on record for the petitioner that the Presiding Officer against whom the allegation of bias was made has already been transferred and new Officer has taken over. Since the apprehension of biased was in respect of the previous Presiding Officer, there is no need for transfer of the suit.

5. It is submitted by the learned counsel for the petitioner that the petitioner who is aged about 93 years has filed the suit for declaration of title. It is further submitted by the learned counsel for the respondent that the defendant has filed written statement and the matter is posted for framing issues.

6. Considering the nature of the suit and the circumstances explained, this petition is **disposed of** with a direction to the learned District Judge No.II, Kanchipuram to frame issues in O.S.No.178 of 2022 and to



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Dr.D.NAGARJUN, J.

dsa

post the matter for trial and dispose of the same as expeditiously as possible,
not later than six (6) months from the date of receipt of a copy of the order.

No costs. Consequently the connected miscellaneous petition is closed.

19.06.2023

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Index :Yes/No

Internet :Yes/No

Neutral Citation :Yes/No

Speaking order/Non-Speaking order

To:-

- 1.The District Judge No.II, Kanchipuram.
- 2.The Additional Judge, City Civil Court, Chennai.

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