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Tr.C.M.P.No.507 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.507 of 2022 and
C.M.P.No.9317 of 2022

1. G.Gowri
2. G.Kavin

.. Petitioners

vs

1. C.Thangamani
2. C.Chinnaswamy
3. C.Senthilkumar
4. G.Dharmalingam

.. Respondents

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer O.S.No.142 of 2010 pending on the file of the Sub-Court, Perundurai, Erode to be tried along with O.S.No.335 of 2022 pending on the file of the II Additional District Court, Erode.

For Petitioner : Ms.Anukriti Anand
for Mr.Govind Chandrasekhar

For Respondents : Mr.D.Kanagasundaram
for respondent 1

Mr.S.Kaithamalai Kumaran
for respondent 2 to 4



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ORDER

The transfer petition filed to withdraw and transfer O.S.No.142 of 2010 pending on the file of the Sub-Court, Perundurai, Erode to be tried along with O.S.No.335 of 2022 pending on the file of the II Additional District Court, Erode.

2. Since the petitioners have filed to transfer the case within the Erode District, the petitioners have to approach the Principal District Court for effective proceedings.

3. Learned counsel for the respondents raised an objection by stating that the O.S.No.142 of 2010 was filed in the year 2010 and now, after a lapse of twelve years, they have filed a fresh transfer petition and therefore, the transfer petition is to be dismissed.

4. However, this Court is not inclined to consider the transfer petition, since the transfer sought for is within the Erode District and that being the case, the petitioners are at liberty to approach the Principle District Court for appropriate relief.



5. In view of the above, the transfer petition is disposed of.

Consequently, the connected miscellaneous petition is closed. There will be no order as to costs.

23.01.2023

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Index : Yes / No

Speaking order / Non-speaking order

To

1. The II Additional District Court, Erode.

2. The District Court, Erode.



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S.M.SUBRAMANIAM, J.

(drm)

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