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Tr.C.M.P.No.508 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.508 of 2022 and
C.M.P.No.9311 of 2022

1. G.Gowri
2. G.Kavin

.. Petitioners

VS

1. C.Thangamani
2. G.Dharmalingam
3. Prakash
4. Mani
5. Krishasami
6. Ponnusamy
7. Iyyappan
8. Arumugam
9. Mahesh
10. Dhandapani
11. Arumugam
12. Baskar
13. Vishwanathan
14. Chellappan
15. Samiathal
16. Muthusamy
17. Subramani (died)
18. K.Chinnasamy
19. Ashokan
20. Mohanraj
21. Senthilkumar
22. Sundaram



23. Prabakaran
24. R.H.Jeyapuldel
25. Malik

.. Respondents

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer O.S.No.155 of 2010 pending on the file of the District Court, 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.Kaithamalaikumaran
for respondent 2

No Appearance
for respondents 3 to 16 & 18 to 25

Respondent 17 – Deceased

ORDER

The transfer petition filed to transfer the O.S.No.155 of 2010 pending on the file of the District Court, 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.

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3. Learned counsel for the respondents raised an objection by stating that the O.S.No.155 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

Index : Yes / No
Speaking order / Non-speaking order
Neutral order: Yes/No
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To

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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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