



Tr.C.M.P.Nos.1127 & 1132 of 2023
and C.M.P.Nos.27120 & 27237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.Nos. 1127 & 1132 of 2023
and
C.M.P.Nos. 27120 & 27237 of 2023

R. Selvavinayagam

... Petitioner
in both the CRPs

Vs.

1.R.Arunachalam (died)
2.P. Anushya
3.R. Sivakumar
4.R. Rajbabu
5.A. Deivanai
6.A. Sasikala
7.A. Rajamanickam

... Respondents
in both the CRPs

Prayer in C.R.P.No.1127 of 2023: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the petition in O.S.No.169 of 2007 on the file of the Additional District Munsif, Tindivanam and transfer the same to Assistant Judge, City Civil Court, Chennai.



Tr.C.M.P.Nos.1127 & 1132 of 2023
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Prayer in C.R.P.No.1132 of 2023:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the petition in O.S.No.67 of 2007 on the file of the Principal Sub-Judge, Tindivanam and transfer the same to Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr. A. Anandaraman

COMMON ORDER

The petitioner wants to transfer both suits to Assistant Judge, City Civil Court, Chennai. The revision petitioner is the first defendant in both suits filed against him and other two defendants. The plaintiffs / respondents 1 and 2 herein filed a suit in the year 2007 for the relief of partition and declaration. All the properties are immovable properties situated at Tindivanam.

2. The learned counsel for the revision petitioner submits that the petitioner met with an accident and sustained leg injuries so he is unable to walk and stand continuously. Therefore, he is not able to travel and wants to transfer both suits from Sub Court, Tindivanam to City Civil Court, Chennai.



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3. Admittedly, the suit is of the year 2007 and even before the trial Court, he has not filled written statement on time. Further, there is no medical proof that he sustained injuries. Furthermore, all the immovable properties are at Tindivanam where the Sub Court, is having territorial jurisdiction. Therefore, i do not find any merit in those petitions and liable to be dismissed.

4. Accordingly, the Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, the suit is pending from the year 2007, the trial Judge is directed to dispose both the suits, within four months from the date of date of receipt of copy of this order, since both the parties are senior citizens as on date.

12.12.2023

Index : Yes / No

Neutral Citation: Yes / No

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T.V.THAMILSELVI, J.

AT

To

1. The Principal Sub-Judge, Tindivanam.
2. The Additional District Munsif, Tindivanam.

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