



Tr.C.M.P(MD)No.408 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM

THE HON'BLE MRS JUSTICE K.GOVINDARAJAN THILAKAVADI

Tr.C.M.P(MD)No.408 of 2023

and

C.M.P.(MD).No.8549 of 2023

V.Ilankadhir

... Petitioner

Vs.

1.V.Saroja

2.V.Kathiroli

3.V.Sengkathir

4.V.Parimala

5.V.Kathiresan

... Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the suit in O.S.No.77 of 2021 from the file of the learned II Additional District Judge, Trichy



Tr.C.M.P(MD)No.408 of 2023

WEB COPY

to any other competent Court with a direction to dispose the same on merits within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.C.Lawrance - for R1 & R2

Mr.P.Arun Jayatram - for R3 to R5

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the suit in O.S.No.77 of 2021 from the file of the learned II Additional District Judge, Trichy to any other competent Court with a direction to dispose the same on merits within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents and also perused the materials available on record.



Tr.C.M.P(MD)No.408 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the suit in O.S.No.77 of 2021 was filed by the respondent 1 and 2, who are mother and brother of the petitioner herein, seeking for declaration, recovery of possession and for damages. The petitioner also appeared and filed a detailed written statement. The said suit was posted for hearing on various dates and now, the matter has been posted for further cross- examination of P.W.1. At this stage, the learned Judge has repeatedly insisted his counsel to settle the matter out of compromise, for which, the petitioner expressed his inability for arriving at any compromise. In the said circumstances, the learned Judge has been insisting for settlement on every hearing date and hence, the petitioner is having serious apprehension that the learned Judge may develop animosity and therefore, he prays for transferring the case from the file of the learned II Additional District Judge, Trichy to any other competent Court.

4. It is submitted by the learned counsel for the respondents 1 and 2 that the first respondent / first plaintiff is a senior citizen, who is aged about 72 years old and the first respondent is unable to see the



Tr.C.M.P(MD)No.408 of 2023

WEB COPY

fruits of the decree during her life time and the dispute is between the mother and sons and daughters and hence, he prays for speedy disposal also.

5. Considering the facts and circumstances of the case, considering the age of the first respondent and also the dispute between the mother and sons, this Court is of the opinion that the suit is ordered to be transferred to the III Additional District Judge, Trichy, for speedy disposal.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the suit in O.S.No.77 of 2021 pending on the file of the II Additional District Judge, Trichy, is ordered to be withdrawn and transferred to the file of the III Additional District Judge, Trichy. The learned II Additional District Judge, Trichy, is directed to transmit the entire records pertaining to the case in O.S.No.77 of 2021 to the transferee Court, immediately. On receipt of the entire records, the learned III Additional District Judge, Trichy, is directed to dispose of the suit in O.S.No.77 of 2021 within a period of four months from the date



Tr.C.M.P(MD)No.408 of 2023

WEB COPY

of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry, if any. No costs. Consequently, the connected miscellaneous petition is closed.

18.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes

RM



Tr.C.M.P(MD)No.408 of 2023

To
WEB COPY

- 1.The II Additional District Judge,
II Additional District Court,
Trichy.
- 2.The III Additional District Judge,
III Additional District Court,
Trichy.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.408 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

RM

Tr.C.M.P(MD)No.408 of 2023

18.08.2023