



Tr.C.M.P.(MD) No.410 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.410 of 2023

Thangammal

... Petitioner

Vs.

1.M.S.Senthil

2.K.Vadivel

3.S.Vasudevan

4.Ramayee

5.Dhara Shaffi

6.Muhamad Nisath Hushoss

7.S.Kathisha

8.A.Mihamed Rinuf Girmani

... Respondents

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to transfer the suit in O.S.No.3 of 2017 pending on the file of the Mahila Court, Karur to the Principal District Court, Karur or any other competent court to dispose the suit at the earliest point of time.



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For Petitioner : Mr.K.Balasundaram
Senior Counsel
for Mr.R.Paranjothi

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner for transfer of O.S.No.3 of 2017 from the file of the Mahila Court, Karur to the file of the Principal District Court, Karur or any other competent Court.

2. The petitioner is the first defendant in O.S.No.3 of 2017 on the file of the Mahila Court, Karur. The said suit was filed by the respondents 1 and 2 herein for the relief of specific performance and for permanent injunction.

3. According to the petitioner, though the petitioner/first defendant has filed her Written Statement in the year 2010, the suit is kept pending for many years without commencement of trial and without any progress. The suit was made over by the Principal District Court to the Mahila Court at Karur.

4. It is submitted that the learned Mahila Court Judge is periodically adjourning the matter once in two months due to the pendency of many cases relating to the offences against women. It is further submitted that the Principal District Court ought not to have made over the above case to the



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Mahila Court, Karur as per the direction of this Court in Roc.No.

WEB 68177/2019/G4.

5. The petitioner also sent a representation dated 06.06.2023 to the learned Principal District Judge and also to the Registrar of this Court with a request to transfer the case from the Mahila Court, Karur to the Principal District Court, Karur. However, the said representation is still pending before the learned Principal District Judge without any consideration. Hence, the petitioner was constrained to file the above Transfer Civil Miscellaneous Petition for transfer of case from the Mahila Court to the Principal District Court, Karur.

6. On perusal of the records and considering the fact that the suit is kept pending for more than 13 years and no inclination is shown by the learned Mahila Court Judge, Karur to dispose the matter early and considering the fact that the learned Principal District Judge, Karur has not considered the representation of the petitioner, this Court directs the learned Principal District Judge, Karur to consider the representation submitted by the petitioner on 06.06.2023, as early as possible, within a period of two weeks from the date of receipt of a copy of this order.



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K.GOVINDARAJAN THILAKAVADI, J.

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7. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed with the above direction. No cost.

20.07.2023

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

1.The Judge,
Mahila Court, Karur.

2.The Principal District Judge,
Principal District Court, Karur.

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