



Tr.C.M.P(MD).No.592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.592 of 2023

Rajangam (died) : Nil/1st Petitioner/Plaintiff

Vijayanarayana Moorthy : Petitioner/2nd Petitioner/
Erstwhile 2nd Defendant &
LR of the Rajangam

Vs.

1.R.Kasirajan : 1st Respondent/1st Respondent
1st Defendant

2.R.Chittammal

3.C.Thedaselvam

4.S.Selvam

5.S.Meenambiga

6.S.Parameswari

7.P.Kannammal @ Gayathri : Respondents 2 to 7/
Respondent 2 to 7/
Proposed parties Lrs of Rajangam

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in I.A.No.1 of 2022 in O.S.No.



Tr.C.M.P(MD).No.592 of 2023

409 of 2008 on the file of Sub Court, Tirumangalam and to transfer the same to the file of V Additional District Court, Madurai along with other pending interlocutory applications, to be tried along with O.S.No.138 of 2009 pending on the file of the V Additional District Court, Madurai and for disposal of the same.

For Petitioner : Mr.V.George Raja,
for M/s.Ajmal Associates.

ORDER

The Civil Revision Petition has been filed to seeking orders to transfer the case in I.A.No.1 of 2022 in O.S.No.409 of 2008 pending on the file of the Sub Court, Tirumangalam to the file of V Additional District Court, Madurai along with other pending interlocutory applications, to be tried along with the suit in O.S.No.138 of 2009 pending on the file of the V Additional District Court, Madurai.

2.Admittedly, the Sub Court, Tirumangalam comes under the jurisdiction of the Principal District Court, Madurai.

3. Section 24(3) of C.P.C., says that for the purposes of this section, Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court. The petitioner without approaching the Principal District



Tr.C.M.P(MD).No.592 of 2023

Court, has directly filed the above transfer civil miscellaneous petition before this Court. Hence, this Court is not inclined to entertain the same and the petitioner is at liberty to approach the Principal District Court at the first instance.

4. In view of the above, the Transfer Civil Miscellaneous Petition is dismissed. No costs.

05.10.2023

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

To

- 1.The Subordinate Judge, Tirumangalam.
- 2.The V Additional District Judge, Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.592 of 2023

K.MURALI SHANKAR, J.

das

Tr.C.M.P (MD).No.592 of 2023

05.10.2023