



Tr.CMP.No.241 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.241 of 2024

L.Saran (died)

L.Pushpammal (died)

1.S.Renuka

2.S.Varshini @ Yogavarshini

3.S.Dharshini

.. Petitioners

(Cause title accepted vide
Court order dated 13.02.2024
made in C.M.P.No.3141 of
2024 in Tr.CMP.No.13750 of
2024 by VSGJ)

Vs.

1.L.Arun @ Murugaiya

2.The Tahsildar,
Tambaram Sanatorium,
Tambaram,
Chennai – 600 045

.. Respondents



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Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer a suit in A.S.No.133 of 2021 now pending on the file of the learned Subordinate Judge, Alandur to the file of the Assistant City Civil Court at Chennai for its due disposal.

For Petitioner : Mr.S.Vinod

ORDER

The present Transfer Civil Miscellaneous Petition has been filed seeking transfer of A.S.No.133 of 2021 which is now pending on the file of the learned Subordinate Judge at Alandur to the file of the Assistant City Civil Court at Madras.

2. The case of the petitioners is that, the 1st respondent herein had presented a suit in O.S.No.796 of 2007 on the file of the Additional District Munsif Court, Alandur seeking for the declaration that he is the legal heir of one Yaghava Munivar and for mandatory injunction to the Tahsildar to grant the legal heir certificate to the aforesaid effect. The suit came to be decreed on 11.10.2011. Aggrieved by the same, an appeal had been filed in A.S.No.133 of 2021.



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3. According to the petitioners, the appeal had been filed 11 years ago and had been kept pending and hence, he sought for transfer on that ground.

4. The fact that the appeal is pending for a long period of time cannot be a ground for transfer. However, taking into consideration that it is the case of the plea of adoption which will interfere with the natural course of succession, it is in the interest of the parties that the appeal was disposed of at an early date so as to settle the issues in the family.

5. Therefore, while I decline to transfer the proceedings, for the present, I am inclined to give direction to the learned Subordinate Judge at Alandur to dispose of A.S.No.133 of 2021 which is now pending on his file to hear the arguments and to render the judgment on or before 26.07.2024 and he shall submit a report to this Court on 30.07.2024 in the compliance thereof.



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WEB COPY 6. Accordingly, this Transfer Civil Miscellaneous Petition stands disposed of. No costs.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

The learned Subordinate Judge,
Alandur



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V. LAKSHMINARAYANAN, J.

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