



Tr. C.M.P.No.344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR. C.M.P. No.344 of 2024

S. Rajavelu S/o. Settiya Gounder

... Petitioner

vs.

Settiya Gounder (deceased)

1. Chinnusamy S/o. Chettiyanna Gounder

2. Madheswaran S/o. Sengodan

3. Ramasamy S/o. Nallagounder

4. P. Ponnusamy S/o. Pitchaimuthu Gounder

5. P. Saraswathi W/o. P. Ponnusamy

6. M/s. Ponni Sugar Mills (Erode) Limited,
represented by its General Manager,
Pallipalayam, Cauvery R.S., Erode – 638 007.

7. K. Mohan S/o. Kuppusamy

... Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the proceedings in O.S. No.237 of



Tr. C.M.P.No.344 of 2024

2008 pending on the file of learned Subordinate Judge, Tiruchengode and transfer it to the learned Principal District Judge, Salem.

For Petitioner : Mr. B.S. Manikandan

ORDER

The transfer Civil Miscellaneous petition is filed seeking transfer of Civil Suit pending in O.S. No.237 of 2008 from the file of Sub Court, Tiruchengode to the file of Principal District Court, Salem.

2. The petitioner herein filed a Suit for partition in O.S. No.237 of 2008 against the respondents and the same has been pending on the file of Sub Court, Tiruchengode for the past 16 years. In the affidavit filed in support of the transfer petition, it was stated by the petitioner that in spite of direction issued by this Court in C.R.P. No.66 of 2023 for expeditious disposal of the suit, there is no progress in the Suit proceedings. It was further stated by the petitioner that an interlocutory application in I.A. No.8 of 2023 has been pending for enquiry for past more than 15 years.

3. In view of the pendency of the Suit for several years without



Tr. C.M.P.No.344 of 2024

progress, the petitioner seeks transfer of the same from the file of the Sub Court, Tiruchengode to the file of Principal District Court, Salem. The main reason assigned by the petitioner for seeking transfer is pendency of the case for several years. The said reason is not a sufficient ground for ordering transfer. Therefore, this Court is not inclined to entertain the transfer application.

4. Accordingly, the transfer Civil Miscellaneous Petition is dismissed.

27.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

To

1. The Subordinate Judge, Tiruchengode .
2. The Principal District Judge, Salem.



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Tr. C.M.P.No.344 of 2024

S.SOUNTHAR, J.

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Tr. C.M.P.No.344 of 2024

27.03.2024