



Tr.C.M.P.No.969 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.969 of 2024
and C.M.P.No.21149 of 2024

1.Dhanabagiyam

2.Maheswari

.. Petitioners

Vs.

1.N.Selvaraj

2.N.Kandhakumar
Respondents

..

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the suit in O.S.No.112 of 2011 from the I Additional District Court at Coimbatore to IV Additional District Court at Coimbatore.

For Petitioners : Mr.P.Tamilavel

For Respondents : Mr.J.Maheswaran

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ORDER

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The Transfer Civil Miscellaneous Petition seeks for transfer of the proceedings in O.S.No.112 of 2021 on the file of the I Additional District Court at Coimbatore to the file of the IV Additional District Court at Coimbatore.

2. When the Tr.C.M.P. came up for hearing, I called for remarks from the learned I Additional District Judge. She has sent a report stating that pursuant to the order passed by this Court in C.R.P.(PD)Nos.883 & 914 of 2024, the District Registrar had authorised his assistant to appear before the Court to mark a copy of the cancellation of the 'Will' dated 08.10.2009 in document No.376/2009. She adds that the authorisation letter was marked as Ex.A33. Since only the true copy had been produced by the Registrar, the said document was not marked. This has given a cause of action for the plaintiffs to move the present Tr.C.M.P.



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3. Heard the learned counsel for the civil revision petitioners as well as the learned counsel for the respondents. I have carefully gone through the records.

4. A perusal of the order passed by the Hon'ble Mr.Justice M.Nirmal Kumar in the revisions referred to above shows that the learned Judge had directed the trial Court to examine the Registrar and mark the registered cancellation deed. Therefore, when there is a specific direction to receive the registered cancellation deed, the objections of the defendants ought not to have been considered. I agree with the learned I Additional District Judge at Coimbatore. The suit being of the year 2011, expeditiousness is necessary for disposal of the said proceeding. Therefore, while I am not inclined to transfer the proceeding as sought for by the petitioners, there shall be a direction to the learned I Additional District Judge at Coimbatore to receive the registered cancellation deed produced from the custody of the District Registrar and mark the same. The issue of relevancy of the said document will be gone into at the time



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of final disposal.

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5. With the above directions, the Tr.C.M.P. stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

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To

I Additional District Judge at Coimbatore.



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V.LAKSHMINARAYANAN,J.

Kj

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