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Tr.C.M.P.No.957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.957 of 2024
and C.M.P.No.20887 of 2024

V.Seshadhri

... Petitioner

Vs.

1.V.Venkatesan
2.V.Balaji
3.V.Bharathi

... Respondents

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the suit in O.S.No.22 of 2017 pending on the file of the District Munsif cum Judicial Magistrate Court, Uthukottai, Thiruvallur District and to transfer the same to the file of the City Civil Court, Chennai.

For the Petitioner : Mr.M.Murugan

ORDER

This transfer petition has been filed to withdraw the suit in O.S.No.22 of 2017 from the file of the District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District, to the file of the City Civil Court, Chennai.



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2. The ground on which the transfer petition is filed, the learned Trial Judge did not disclose the fate of I.A.No.2 of 2024 which he had dismissed on 19.08.2024. The plea is that the transfer petitioner was not aware of the order passed by the learned Trial Judge.

3. A perusal of the affidavit shows that the petitioner alleges that this situation prevailed on 09.09.2024 itself. However, perusal of the seal in the certified copy of the fair and decretal order in I.A.No.2 of 2024 dated 19.08.2024 discloses that the transfer petitioner had filed copy application even 4 days earlier i.e., on 05.09.2024. If the petitioner was actually unaware as to the fate of the order passed by the learned Judge in I.A.No.2 of 2024 as alleged in the affidavit, I am not in a position to understand, how he could have filed a copy application of the order 4 days earlier.

4. The grounds that have been raised for transfer of the proceedings are extremely flimsy. Hence, I am not inclined to transfer the petition, since it impinges upon the neutrality and impartiality of a Judicial Officer.



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5. The learned counsel seeks liberty of this Court to challenge the order passed by the learned Judge in I.A.No.2 of 2024 dated 19.08.2024.

6. By filing of this transfer petition, the petitioner does not loose his right to challenge the said order.

7. In the result, the Transfer Civil Miscellaneous Petition is dismissed. It is open to the petitioner to pursue appropriate remedy that he chooses to challenge the order passed in I.A.No.2 of 2024 dated 19.08.2024. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To
The District Munsif cum Judicial Magistrate,
Uthukottai, Thiruvallur District.



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V.LAKSHMINARAYANAN, J.

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