



Tr.CMP.No.1044 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1044 of 2023

and

C.M.P.No.25274 of 2023

K.S.Yaswant Kumar

.. Petitioner

Vs.

1.K.R.Sadasivam

2.S.Vijayarani

3.S.Madumithaa

4.P.Mallika

5.K.Poongothai

6.S.Harikumaran

7.E.Manikkam

8.M.Ugamathi

9.N.Balasubramaniam



Tr.CMP.No.1044 of 2023

10.T.Clament

11.M.Felix Jayakumar

12.D.Thangaraj

13.S.L.Jeevananthan

14.L.Valarmathi

15.D.Premkumar

16.The Sub Registrar,
Sub Registrar Office,
Erode Main Road, Aval Poondurai (Post),
Modakurichi Taluk, Erode District

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.379 of 2020 on the file of the learned I Additional District Judge at Erode and transfer the same to the file of the learned Additional District Judge at Namakkal.

For Petitioner : Mr.E.Shanmugasundaram, No Appearance

For R1 and R2 : Mr.K.Subramanian

For R3 : Mr.S.Ajithkumar

For R4 and R9 : Mr.V.S.Kesavan

For R6 to R8 : Mr.K.Mylsamy



Tr.CMP.No.1044 of 2023

For R16 : Mr.M.Muthusamy
Government Advocate

RR5, 10, 11, 12, 14 & 15 : Served, No Appearance

For R13 : Not Ready in Notice, No Appearance

ORDER

The matter was listed yesterday and the learned counsel for the petitioner was absent. Even today, the learned counsel for the petitioner is absent. Therefore, I heard Mr.K.Subramanian, appearing on behalf of the 1st and 2nd respondents, Mr.S.Ajithkumar, appearing on behalf of the 3rd respondent, Mr.V.S.Kesavan, appearing on behalf of respondent Nos.4 and 9, Mr.K.Mylsamy, appearing on behalf of respondent Nos.6 to 8 and Mr.M.Muthusamy, learned Government Advocate, appearing on behalf of the 16th respondent.

2. Mr.V.S.Kesavan and Mr.K.Mylsamy would invite my attention to Paragraph No.13 of the affidavit of the transfer petition and would point out that the ground on which the transfer was sought is that the post of the learned I Additional District Judge at Erode was



Tr.CMP.No.1044 of 2023

vacant and hence, the petitioner/plaintiff wanted the matter to be transferred to the file of any other Court.

3. Mr.V.S.Kesavan would submit that after the transfer petition was entertained by this Court on 07.11.2023, a regular officer has been posted and has also assumed office as the learned I Additional District Judge at Erode and is conducting the proceedings.

4. Therefore, the basis for the transfer, namely the lack of Judicial Officer to man the Court, having vanished, there is no necessity to retain this transfer petition. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed as infructuous. No costs. The connected Civil Miscellaneous Petition is closed.

16.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.No.1044 of 2023

V. LAKSHMINARAYANAN, J.

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To

The learned I Additional District Judge,
Erode

Tr.CMP.No.1044 of 2023
and
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