



Tr.CMP.No.5 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.5 of 2024

and

CMP.No.269 of 2024

Harakchand J. Golecha

...

Petitioner

/vs/

B.Ishwarchand B.Tater (died)

1.Bhagwati Devi R.Tater

2.Babulal B.Tater

3.Leela Devi S.Tater

4.Pushpa Devi

5.Pinky Sri Srimal

6.Aruna Chordia

7.Surekha Kothari

8.Tarun Jain

9.Sandhya Palrecha

10.Kunal Jain

...

Respondents

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw and transfer the said suit in O.S.No.4959 of 2015 from the file of the learned I Additional City Civil Court, Chennai to any other competent Court having jurisdiction to try the cause of action and adjudicate the suit claim in the said suit.

For Petitioner

... Mr.R.Prakash

for Mr.P.B.Ramanujam Associates



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the suit in O.S.No.4959 of 2015 from the file of the I Additional City Civil Court, Chennai to any other competent Court having jurisdiction.

2. A ground raised in the transfer civil miscellaneous petition for transferring the case in O.S.No.4959 of 2015 on the file of the I Additional City Civil Court, Chennai to another Court is that the learned Presiding Officer, while disposing the I.A.Nos.2 to 5 of 2023, had not followed the proper procedure and seems to be predetermined. In this regard, remarks has been called for from the concerned Presiding Officer and the concerned Presiding Officer sent a remarks and denied all the allegations contained in the affidavit of the petitioner, it is being a false one. Further, it is noticed that though the petitioner contended that the Presiding Officer has not followed the proper procedure while allowing the I.A.Nos.2 to 5 of 2023, he has not challenged the order passed in I.A.Nos. 2 to 5 of 2023.



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WEB COPY 3. Under these circumstances, the allegation raised against the Presiding Officer that he had not followed the procedure while allowing the I.A.Nos.2 to 5 of 2023 is unsustainable. Further, the allegation with regard to the predetermined is also denied by the concerned Presiding Officer while offering the remarks. Accepting the remarks made by the learned Presiding Officer/I Additional Sessions Judge, City Civil Court, Chennai, I find no merit in the transfer civil miscellaneous petition. Accordingly, the transfer civil miscellaneous petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

27.02.2024

To

The I Additional City Civil Court, Chennai.



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V.SIVAGNANAM ,J.

sms

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