



Tr.C.M.P.(MD).No.517 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.517 of 2023
and C.M.P.(MD).No.11493 of 2023

B.Sivasindhu

... Petitioner/Petitioner

Vs.

P.Shalin

... Respondent/Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.76 of 2020 pending before the III Additional Sub Court, Madurai and transfer the same to the Court of any sub Court, Madurai and decide the same.

For Petitioner : Mr.R.Ganesan

For Respondent : Mr.B.Manickam

ORDER

This petition has been filed seeking transfer of H.M.O.P.No.76 of 2020 from the file of III Additional Sub Court, Madurai to the Court of any sub Court, Madurai.



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2.This petition has been filed on the ground that when the petitioner moved a petition seeking DNA test, the trial Judge made some advises in the open Court and compelled the petitioner to withdraw the petition. Hence, detailed report has been called for from the trial Court on the above said allegations. Report has been received from the trial Court stating that for the past three years no steps have been taken by the petitioner to expedite the trial process. As per the order of this Court passed in C.R.P.(MD).No.49 of 2021, he has to dispose the matter within the time stipulated. Except that he has not pressing any one to withdraw the petition. The explanation that has been offered by the trial Court is also placed on record. But the learned counsel for the petitioner repeated the very same allegation that pressure is made upon the petitioner to withdraw the petition.

3.Per contra the learned counsel for the respondent would submit that only at the instance of the petitioner the earlier matter was transferred to the present trial Court. Now making allegations against the Presiding Officer again this petition has been filed.



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4. Whatever may be in the light of the submissions made by the learned III Additional Subordinate Judge, Madurai, I am of the considered view that no ground is made to transfer the case to any other Court. Let the above said interlocutory application made in this case be disposed of at the earliest. Further the trial Court shall comply the previous order passed by this Court in the C.R.P.(MD).No.49 of 2021, without fail.

5. With the above said directions, this transfer civil miscellaneous petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1. The III Additional Subordinate Judge, Madurai.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

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