



A.S.No.436 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

A.S.No.436 of 2011
and M.P.No.1 of 2011

Nanjathal

... Appellant

VS.

1.Venkittammal (Died)

2.Angathal

3.Radhamani

4.Ramasamy

5.Devaki

6.Mayilathal

7.Deivatthal

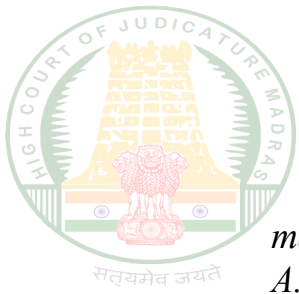
8.Masiriyatthal

9.Karunaambal

10.Ambika

... Respondents

(R1-Died, RR7 to 10 are brought on record as LR's of deceased R1, vide order of Court dated 10.11.2023)



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*made in C.M.P.Nos.12521, 12525 and 12527 of 2019 in
A.S.No.436 of 2011)*

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PRAYER: This First Appeal filed under Section 96 of the Code of Civil Procedure, Order 41 Rule 1 and 2, to set aside the judgment and decree dated 30.06.2011 made in O.S.No.752 of 2010 on the file of the Principal Subordinate Court, Tiruppur.

For Appellant	: Mr.A.Thiyagarajan
For R6	: Mr.K.Govi Ganesan
For R10	: Mr.N.Manoharan
For R1	: Died
For R2 to R5	: No Appearance
For R7	: Addressee cannot be located
For R8	: Service Awaited

ORDER

This Appeal Suit has been filed to set aside the judgment and decree dated 30.06.2011 made in O.S.No.752 of 2010 on the file of the Principal Subordinate Court, Tiruppur.



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2. When the appeal is taken up for hearing, the learned counsel appearing for the 6th respondent would submit that the judgment and decree impugned in the appeal was passed by the Principal Subordinate Court, Tiruppur on 30.06.2011. Therefore, as per the provisions of Tamil Nadu Civil Courts Act, an appeal will lie before the jurisdictional District Court and therefore, the present appeal filed by the appellant is not maintainable before this Court.

3. Section 13-A of the Tamil Nadu Civil Courts Act, 1873, reads as follows:-

“13-A. Appeals from decrees of Subordinate Courts.- Appeals from the decrees and orders of Subordinate Judges, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004) shall, when such appeals are allowed by the law, lie to the District Court.

Appeals from decrees of District Munsif.-Appeals from the decrees and orders of District Munsifs, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003, shall, when such appeals are allowed by law, lie to the Subordinate Court.”



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4. Therefore, it is clear that from the judgment and decree passed by the Principal Subordinate Court, Tiruppur, an appeal will lie only before the concerned District Court. Hence, the appeal filed by the appellant is not at all maintainable before this Court.

5. At this juncture, learned counsel appearing for the appellant requested this Court to exercise its power under Section 24(1)(a) of the Code of Civil Procedure to transfer the present appeal to the file of Competent Court namely Principal District Court, Tiruppur.

6. The learned counsel appearing for the respondents 6 and 10 have no serious objection. Therefore, this Court is inclined to exercise its power under Section 24(1)(a) of the Code of Civil Procedure and inclined to transfer this appeal to the file of Principal District Court, Tiruppur.

7. The Registry is directed to transmit the papers along with original lower court records to the Principal District Court, Tiruppur, immediately.



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8. On receipt of papers from this Court, the Principal District Court, Tiruppur shall issue notice to the parties fixing the date of hearing and proceed with the matter in accordance with law.

9. Since the appeal is of the year 2011, the Transferee Court is directed to dispose of the same as expeditiously as possible.

10. Accordingly, the appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
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To

The Principal Subordinate Court,
Tiruppur.

Copy to

The Principal District Court,
Tiruppur.

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S.SOUNTHAR, J.

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