



Tr. C.M.P.No. 252 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P.No. 252 of 2023

&

C.M.P. No. 5500 of 2023

D.Mohan Kumar

...Petitioner

Vs.

1.D.Murugan

2.D.Paramasivam

3.Lalitha

4.Vasantha

5.Damayanthi

...Respondents

Prayer: Transfer Petition is filed under Section 24 of the CPC, to withdraw OS.No.375 of 2019 on the file of the Sub Court, Kancheepuram and transfer to XVIII Additional City Civil Court, Chennai.



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For Petitioner : Mr. B.Nedunzhelian

For Respondents : No Appearance.

ORDER

The transfer petition is filed seeking to withdraw OS.No.375 of 2019 on the file of the Sub Court, Kancheepuram and transfer the same to the file of the XVIII Additional City Civil Court, Chennai. The petitioner seeks transfer on the ground he is now residing at Chennai.

2. The suit OS.No.375 of 2019, on the file of the Sub Court, Kancheepuram, has been filed by the petitioner herein for partition and separate possession of the suit properties. The suit schedule properties are situated at Kundrathur Village, Sriperumbudur Taluk (Now Pallavram Taluk), Kancheepuram District.

3. As per Section 16 (b) of the Code of Civil Procedure, the suit for partition of immovable property should be instituted in the Court



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within the local limits of whose jurisdiction the property is situate.

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4. Admittedly, in the instant case, the property is situate within the jurisdiction of the Courts at Kancheepuram. Therefore, the request for transfer on the basis that the parties are residing at Chennai cannot be countenanced, in the light of the provisions of Section 16 (b) of the Code of Civil Procedure.

5. The transfer petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

18.02.2025

Index : Yes/No

Internet : Yes/No

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To

1.The Sub Court,
Kancheepuram

2.The XVIII Additional City Civil Court,
Chennai.



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P.T. ASHA, J,

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