



Tr.CMP.No.1391 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.1391 of 2024
and CMP.No.29907 of 2024

1.Selvi

2.Logesh @ Logeshwaran

3.Gayathri

... Petitioners / Defendants 1 to 3

vs.

1.M.Jayakumar

2.R.Gunasekaran

3.The Village Administrative Officer,
Punjai Idayar Melmugam,
Velur.

4.The Vellore Firka Land Surveyor,
Paramathivelur Taluk Office,
Paramathivelur.

5.The Tahsildar,
Tahsildar office,
Thiruchengode

6.The Revenue Divisional Officer,



Tr.CMP.No.1391 of 2024

WEB COPY

Tiruchengode.

7.The Tamilnadu Government,
Rep. By District Collector,
District Collector Office,
Namakkal.

8.The Executive Officer,
Paramathivelur Panchayat Union.

9.The Assistant Engineer,
TANGEDCO, Paramathivelur.

10.The Assistant Executive Engineer,
(ADE), TANGEDCO, Paramathivelur.

11.The Executive Engineer, (DE),
TANGEDCO, Paramathivelur.

... Respondents 3 to 11 /
Defendants 4 to 12.

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw O.S.No.67 of 2024 on the file of the Hon'ble District Munsif, Paramathy and to transfer the same to the Hon'ble District Munsif Court, Karur or some other Court that may be fixed by this Court.

For Petitioners : M/s.B.Thirumalai

For Respondents : M/s.N.Manokaran for R1 & R2
Mr.B.Tamil Nidhi, Additional Govt. Pleader
for R3 to R8



Tr.CMP.No.1391 of 2024

WEB COPY

ORDER

The present Transfer Civil Miscellaneous Petition is filed by the defendants 1 to 3 in O.S.No.67 of 2024 on the file of the District Munsif Court, Paramathy, seeking to withdraw the said O.S.No.67 of 2024 from the file of the District Munsif Court, Paramathy and transfer the same to the file of the District Munsif Court, Karur or some other Court.

2. The learned counsel appearing for the petitioners would submit that the respondents 1 and 2 / plaintiffs filed an application in I.A.No.4 of 2024 for appointment of an Advocate Commissioner to measure the suit property and also filed I.A.No.7 of 2024 to measure the suit properties and both the applications were allowed. Since the 1st respondent / 1st plaintiff is a practicing Advocate at Paramathy, having much influence in the bar association. In pursuant to the order passed in I.A.No.4 of 2024, one S.Vetri Vadivel, Advocate has been appointed as Advocate Commissioner to measure the property with the help of qualified surveyor and to measure the suit properties with revenue records. The 1st respondent, being an Advocate, approached the Bar Association stating that the Presiding Officer threatened him in open Court and further, he has got fear to



Tr.CMP.No.1391 of 2024

WEB COPY

contest the case before the Paramathy Court on account of the threat given by the Presiding Officer in the open Court and thereafter, a new Advocate Commissioner came to be appointed and the matter was compromised. Therefore, the petitioners have got apprehension in contesting the case at the District Munsif Court, Paramathy, Namakkal District and have come up with the present Transfer Civil Miscellaneous Petition.

3. *Per contra*, learned counsel for the respondents would submit that the respondents are the residents of South Nalliyampalayam, Paramathi Velur Taluk, Namakkal District and they are contesting their case through their Advocate normally and if the case is transferred to some other Court, the respondents will be put to irreparable loss and hardship and the present petition has been filed with malafide intention to harass the petitioners and prays for dismissal of this petition.

4. This Court has considered the rival submissions and also perused the materials available on record.

5. It is seen from the records that the respondents / plaintiffs filed I.A.No.4 of 2024 to appoint an Advocate Commissioner to measure the suit property and



Tr.CMP.No.1391 of 2024

WEB COPY

Mr.Vetri Vadivel, Advocate Commissioner and Parmathi Velur Firka Surveyor measured the suit property. The Advocate Commissioner has also filed an interim report. The reasons stated in the affidavit are not sufficient to transfer the case from the file of the District Munsif Court, Paramathy to any other Court. There is no proof with regard to the allegation that the 1st respondent / plaintiff threatened the defendants or their Advocate. If the case is transferred to some other Court, the other side will be put to irreparable loss and hardship. This Court finds no merit in the petition and the same deserves dismissal.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is dismissed.

26.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

M.JOTHIRAMAN, J.

Jvm

To
1.The District Munsif Court,



Tr.CMP.No.1391 of 2024

WEB COPY

Paramathivelur,
Namakkal District.

TR.CMP.No.1391 of 2024

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