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Tr.C.M.P(MD)No.55 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.04.2025

Pronounced on : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.55 of 2025

and

C.M.P(MD)No.1570 of 2025

1.Sri Ellena Education Trust
rep. by Y.Balasubramaniam,
At Ellanna School, Subburaj Nagar,
Bodinayakkanur,Theni District.

2.Y.Balasubramaniam

3.Usha Ellammal

... Petitioners/Defendants

Vs.

1.Swamy's Spiritual Service Trust,
rep.by its Managing Trustee & Secretary Trustee,
Mr.N.Shanmugam and Dr.R.Thangasamy,
No.225, N.S.C.Bose Road,
Chennai – 600 001.

2.Swamy's Charitable Service Trust,
rep.by its Managing Trustee & Secretary Trustee,
Mr.N.Shanmugam and Dr.R.Thangasamy,
No.225, N.S.C.Bose Road,
Chennai – 600 001.

... Respondents/Plaintiffs



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PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.678 of 2019 on the file of the City Civil Court, Chennai and transfer the same to the file of the Sub Court, Bodinayakkanur, Theni.

For Petitioners : Mr.K.Gokul

For Respondents : Mr.C.K.M.Appaji

ORDER

This petition is filed by the petitioners U/s.24 of CPC, seeking for an order to withdraw the case in O.S.No.678 of 2019 pending on the file of the City Civil Court, Chennai and to transfer the same to the file of the Sub Court, Bodinayakkanur.

2. The learned counsel for the petitioners has submitted that the respondent shown the trust address at Chennai, has filed the suit against the petitioners' for declaration that the petitioners are strangers and restraining them from conducting Kumbabisegam at the suit temple situated at Bodinayakkanur. The respondents have shown three items of property, out of which two items are immovable properties situated at Bodinayakkanur and the third item is the office of trust having Chennai address. As per provisions of Section 20 of CPC, the suit has to be filed before the Bodinayakkanur where



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the petitioners are residing and also the suit schedule immovable properties are situated. Moreover, the petitioners have already filed a suit in O.S.No.5 of 2022 before the Sub Court, Theni and the same was transferred to Bodinayakkanur jurisdiction and renumbered as O.S.No.90 of 2024. Suppressing these facts, the respondents filed the suit. Therefore, the petition is filed.

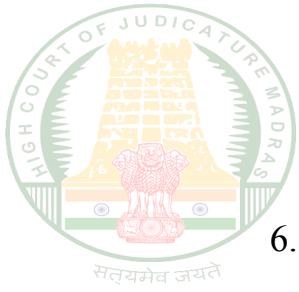
3. The learned counsel for the respondents submitted that the supplementary trust deed was registered at Sowcorpet and the trust office is functioning at Chennai. Hence, the respondents have filed the suit before the City Civil Court, Chennai. This transfer petition before this court is not maintainable and the same has only to be dealt with by the Principal Seat of the Madras High Court by relying on citation reported in **2007 (5) CTC 707 (K.Kavitha and Others vs. Subramanian @ V.S.Mani and Others)**.

4. In reply, the learned petitioners' counsel reiterated that they have already filed a suit before the Sub Court, Bodinayakkanur, in respect of issues in the case and the injunction sought regarding immovable properties, which are situated at Bodinayakkanur, so the transfer petition is maintainable before this Court.



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6. In the result, this Transfer Civil Miscellaneous Petition is allowed.

The suit in O.S.No.678 of 2019 on the file of the City Civil Court, Chennai, is ordered to be withdrawn and the same is transferred to the file of the Sub Court, Bodinayakkanur. The learned Judge, City Civil Court, Chennai, is directed to transmit the entire records pertaining to the case in O.S.No.678 of 2019 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

05.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The City Civil Court,
Chennai.
- 2.The Sub Court,
Bodinayakkanur.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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