



Tr.C.M.P(MD).No.159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.01.2025

Delivered on : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.159 of 2023
and
C.M.P(MD)No.3541 of 2023

Pastor Aruldass

: Petitioner

Vs.

1.John Victor Samuvel Raj

2.Elizabeth Nayagam

3.John Prabhudoss

4.Premji Ebenezer

5.Ranji Ebenezer

6.Pastor stantly

7.Pastor A.John Wesly

8.Pastor A.Melchi Zedak

9.Pastor A.Easupatham

10.Pastor A.David

11.Vijayalakshmi

: Respondents



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PRAAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to transfer the suit in O.S.No.54 of 2020 pending on the file of the Additional District and Sessions Judge No.V, Madurai to any other competent Court/Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.A.Tamilvanan

For Respondents : Mr.J.Barathan, for R1.

: No Appearance, for R2 to R11.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to transfer the suit in O.S.No.54 of 2020 pending on the file of the Additional District and Sessions Judge No.V, Madurai to any other competent Court/Principal District and Sessions Judge, Coimbatore.

2. The first defendant in O.S.No.54 of 2020 on the file of the Additional District and Sessions Court No.V, Madurai, is the petitioner. The respondents 1 to 5 as plaintiffs have filed the suit in O.S.No.54 of 2020 for partition and for permanent injunction restraining the defendants from alienation and also to declare that the sale deed, dated 25.04.2018 executed by the defendants 1 to 6 in favour of the seventh defendant is null and void and that the suit is pending before the V-Additional District and Sessions Court, Madurai.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is aged 68 years and suffering from various age related ailments and hence, he is not in a position to travel from Udumalaipettai to Madurai and that therefore, he was constrained to file the present petition.

4. The learned counsel for the petitioner has relied on the Section 17 of C.P.C., in support of his contention. Section 17 of C.P.C., contemplates that where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate.

5. In the case on hand, the learned counsel appearing for the first respondent would submit that the suit is laid for partition in respect of two items of suit property; that the first item situates at Peraiyur Taluk, Madurai South District and whereas the second item situates at Kalapatti Village, Coimbatore North Taluk and that since the first item of the property is within the jurisdiction of Madurai District, the suit has rightly been filed before the District Court, Madurai. I find much merit in the said contention.



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6. As rightly pointed out by the learned counsel for the first respondent/Plaintiff, the defendants 2 and 3 are also aged 63 and 60 years respectively and that the second plaintiff is aged 69 years. Except the above, the petitioner has not canvassed any other valid reason or ground for transfer.

8. Considering the above facts and circumstances of the case and also the fact that the first item of the suit property is situated within the jurisdiction of Madurai District and in the absence of any valid reason or ground canvassed by the petitioner side, this Court has no hesitation to hold that the transfer petition is absolutely devoid of merits and the same is liable to be dismissed.

9. In the result, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

31.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To

- 1.The Additional District and Sessions Judge No.V,
Madurai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Pre-delivery order made in
Tr.C.M.P (MD).No.159 of 2023
and
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31.01.2025