

Tr.C.M.P(MD)No.216 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.03.2025

Pronounced on : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.216 of 2024

and

C.M.P(MD)No.4727 of 2024

1.R.Karthikeyan
2.R.Karpagam
3.M.Veerammal

... Petitioners/Defendants 5 to 7

Vs.

1.R.Mohanadevi
2.R.Vathchala
3.R.Radhakrishnan
4.M.Yasotha
5.M.Rajalakshmi
6.V.Janagiraman
7.R.Chitra
8.P.Meenakshi
9.T.Suseela
10.V.Thirupathi
11.K.Indiragandhi
12.R.Moogampiga
13.S.Aruna
14.V.Punitha
15.R.Packiyaraj
16.R.Sathya
17.R.Kaliyappan

...Respondents 1 to 6/Plaintiffs

... ..Respondents 7 to 17/Defendants
1 to 4 & 8 to 14



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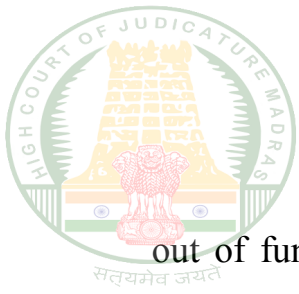
PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in O.S.No.514 of 2023 on the file of the IV Additional District and Sessions Court at Madurai and transfer the same to the Additional District and Sessions Judge at Pudukottai.

For Petitioners : Mr.M.Suresh
For R1 to R5 : Mr.A.Rajkumar
For R6 to R17 : No Appearance

ORDER

This petition is filed by the petitioner U/s.24 of CPC seeking for an order to withdraw the case in O.S.No.514 of 2023 from the file of the learned IV Additional District and Sessions Judge, Madurai and to transfer the same to the file of the learned Additional District and Sessions Judge, Pudukottai.

2. The learned counsel for the petitioners has submitted that the respondents 1 to 6 have filed a suit in O.S.No.514 of 2023 on the file of IV Additional District Court, Madurai, against the petitioners and other respondents, for partition by alleging that the suit properties are Hindu joint family properties and are still being used as undivided one. Except the 1st item of the suit properties, all other properties are situated in Pudukottai District. The respondents 1 to 6 have added 1st item of the property as if it was purchased



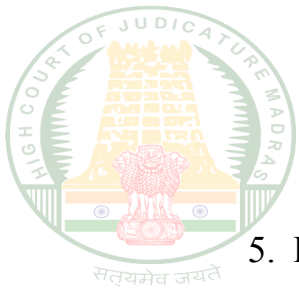
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out of funds raised in joint properties. In fact, the said 1st item of the property absolutely belonged to the 1st defendant, who is the 7th respondent herein.

The petitioners have no right in it. The respondents colluded with the 7th respondent and have filed the suit. Since major properties are situated in Pudukottai, in case of execution process, the same would be held at Pudukottai only. The parties to the suit are living in various districts and hence nothing will be prejudiced to the respondents. Therefore, the petition is filed.

3. The learned counsel for the respondents 1 to 5 has submitted that these respondents are having right over the 1st item of the suit property also, which is located at Madurai. In civil suits, parties' presence is not necessary in all hearings except material hearing and hence, there is no impediment for the petitioners to attend the Court at Madurai, as per Section 17 of CPC, the Madurai Court also has jurisdiction. The petitioners can raise objections in the trial Court. The case was filed in the year 2023, but the petitioners filed this petition in 2024.

4. In reply, the petitioners' counsel submitted that on receipt of the suit summons, the petitioners have filed this petition as a major part of the properties are situated in Pudukottai. The second plaintiff's property and the first defendant's property are also situated at Pudukottai.



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5. Heard both sides. I have perused the material records, including the additional typed set filed by the petitioners.

6. The petitioners have produced a copy of plaint in O.S.No.514 of 2023. On perusal of the same, the respondents 1 to 6 have filed the suit against the defendants, as much as 14 defendants. On perusal of the description of properties, five items have been shown, out of which items Nos.2 to 5 are situated in Pudukottai District, and item No.1 of the suit property is situated at Madurai. On perusal of the long cause title, the plaintiffs and defendants are residing in Madurai, Thoothukudi, Thiruvarur, Pudukottai, Thanjavur and Chennai.

7. On further perusal of the additional typed set, the copy of the sale deeds in the name of the second plaintiff and the first defendant are filed and it is clear that the second plaintiff and the first defendant have purchased a plot in their names situated in the 1st item of suit property. The contesting respondents 1 to 5 have not raised any objection regarding the above facts. Hence, as rightly submitted by the petitioners major portion of the suit properties are situated in Pudukottai District. While the respondents contend that the presence of the parties is not necessary in conducting the civil suit, the same would be applicable to them. In case of transfer to Pudukottai District, there will be no impediment to



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the respondents also. The parties and the issues to be decided are also one and the same, as revealed from both sides submissions.

8. Considering the above facts and circumstances, this Court is inclined to allow this petition and withdraw the suit in O.S.No.514 of 2023 from the file of the IV Additional District and Sessions Court, Madurai and to transfer the same to the file of the Additional District and Sessions Court, Pudukottai.

9. In the result, this Transfer Civil Miscellaneous Petition is allowed. The suit in O.S.No.514 of 2023 on the file of the IV Additional District and Sessions Court, Madurai, is ordered to be withdrawn and the same is transferred to the file of the Additional District and Sessions Court, Pudukottai. The learned IV Additional District and Sessions Judge, Madurai, is directed to transmit the entire records pertaining to the case in O.S.No.514 of 2023 to the transferee Court, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.04.2025

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



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To

- 1.The IV Additional District and Sessions Court,
Madurai.
- 2.The Additional District and Sessions Court,
Pudukottai.
- 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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