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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.285 of 2025

and

C.M.P.(MD)No.77345 of 2025

G.Sivaraj

... Petitioner/Plaintiff

Vs.

1.K.Selvakumaran

2.Latha

3.Karunanithi

4.The Assistant Executive Engineer,
TANGEDCO,
(Operation and Maintenance)
Kabisthalam,
Papanasam Taluk,
Thanjavur District.

5.The Superintending Engineer,
TANGEDCO,
(Operation and Maintenance)
No.1 Vallam Road,
Thanjavur District.

... Respondents/Defendants



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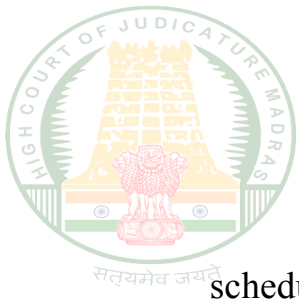
Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in suit in O.S.No.48 of 2019 from the file of the District Munsif cum Judicial Magistrate Court, Papanasam and transfer the same to the file of Sub Court, Kumbakonam.

For Petitioner : Mr.T.Indrachithu

ORDER

The present Transfer Civil Miscellaneous Petitions have been filed to withdraw the proceedings in suit in O.S.No.48 of 2019 from the file of the District Munsif cum Judicial Magistrate Court, Papanasam and transfer the same to the file of Principal Sub Court, Kumbakonam.

2. The learned counsel for the petitioner would submit that the suit scheduled properties are the ancestral property of the petitioner. After the demise of the petitioner's father, the petitioner is in possession and enjoyment of the property. But, the first respondent filed a suit in O.S.No. 262 of 2016 before the Principal Sub Court, Kumbakonam. Seeking partition by forging the documents with regard to the first item of suit



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scheduled property and also interfered with the petitioner's peaceful possession and enjoyment of the property along with the other respondents. Hence, the petitioner filed a suit in O.S.No.28 of 2019 before the Vacation Bench of District Munsif Cum Judicial Magistrate Court, Papanasam seeking bare injunction against the respondents/defendants and thereafter, the same was renumbered as O.S.No.48 of 2019. The suit scheduled properties involved in both the suits are one and the same and to avoid conflict of judgments, he seeks to allow the petition.

3. Even though by the order dated 06.06.2025, this Court directed the learned counsel for the petitioner to take private notice for the respondents and adjourned the matter to 25.06.2025, the same has not been complied with and proof has also not been filed. Hence, this Court ordered fresh notice to the respondents through Court & post and also permitted the private notice on 25.06.2025 and adjourned the case today (14.07.2025) finally.



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4. When the matter was taken up for hearing today, it is seen that the learned counsel for the petitioner did not pay any batta and also did not file proof.

5. Even this Court ordered notice and fresh notice to the respondents by the orders dated 06.06.2025 and 25.06.2025 respectively, the learned counsel for the petitioner has not complied with the same. Hence, this Court is inclined to dismiss the petition.

6. Accordingly, these Transfer Civil Miscellaneous Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petitions is closed.

14.07.2025

Index :Yes/No
Speaking Order :Yes/No
Neutral Citation :Yes/No

dss

To

1.The District Munsif cum Judicial Magistrate Court,
Papanasam.

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K.K. RAMAKRISHNAN, J.

dss

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