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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.558 of 2024

and

C.M.P.(MD)No.13266 of 2024

M.Mohanned Ismail

.. Petitioner/1st Respondent

Vs.

1. Dr.S.Chidambaram

.. 1st Respondent/Petitioner

2.M.Sheik Mohammed Syed Ali

.. 2nd Respondent/2nd Respondent

Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to transfer the case in I.P.No.5 of 2014 pending on the file of the learned Principal District and Sessions Judge, Tirunelveli, to any other Court.

For Petitioner : Mr.R.Anandha Raj

For R1 : Mr.L.George Paul Anto

For R2 : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petitions has been filed to withdraw I.P.No.5 of 2014 pending on the file of the learned Principal District and Sessions Judge, Tirunelveli, and transfer the same to any other Court.

2. The first respondent initiated the proceedings against the petitioner in C.C.No.389 of 2014 on the file of the District Munsif cum Judicial Magistrate, Shencottai, Tenkasi District, under Section 138 of Negotiable Instrument Act and also filed a suit in O.S.No.93 of 2017 before the learned Additional District and Sessions Judge (FTC), Tenkasi, Tenkasi District, for the same cause of action. The proceedings in C.C.No.389 of 2014 was ended in conviction. Challenging the same, the petitioner filed an appeal in C.A.No.56 of 2023 before the learned Principal District and Sessions Judge, Tirunelveli, and the same is dismissed. In the meantime, the suit in O.S.No.93 of 2017 was decreed in favour of the first respondent. Challenging the same, the petitioner filed an appeal before this Court in A.S.(MD)No.192 of 2023 and the same is pending. In the meantime, the



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first respondent filed an insolvency petition in I.P.No.5 of 2014 before the learned Principal District and Sessions Judge, Tirunelveli, and the same is pending. Seeking transfer of above insolvency petition, this petition has been filed.

3. The learned counsel for the petitioner would submit that when the issue was already decided in C.A.No.56 of 2023, filing of insolvency petition by the first respondent in I.P.No.5 of 2014 for the very same cause of action is not in accordance with law. Apart from that, the insolvency petition is in the year 2014. But, till date, there is no progress. Hence, he seeks to allow this petition as prayed for.

4.The learned counsel for the first respondent entered appearance and submitted that 'he has no objection to transfer the case'.

5.Heard the learned counsel appearing for the petitioner as well as the first respondent and perused the materials available on records.



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6. Considering the overall facts and circumstances of the case, this

Court thought it fit to transfer the case in I.P.No.5 of 2014 pending on the file of the learned Principal District and Sessions Judge, Tirunelveli, to the file of learned Principal District Judge, Tenkasi, and inclined to allow this petition.

7. The the learned Principal District and Sessions Judge, Tirunelveli, is hereby directed to transfer the entire records pertaining to the case in I.P.No.5 of 2014, to the file of the learned Principal District Judge, Tenkasi, within a period of **four** weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Principal District Judge, Tenkasi, is directed to take the case on file and dispose of the case as expeditiously as possible in accordance with law.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

24.06.2025

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

1. The Principal District and Sessions Judge,
Tirunelveli.
2. The Principal District Judge,
Tenkasi.



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K.K. RAMAKRISHNAN, J.

dss

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