



Tr.C.M.P.(MD)No.571 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 11.12.2024

PRONOUNCED ON:24.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.571 of 2024

A.Shahul Hameed(died)

1.A.M.Sharfuiddin : 1st Petitioner/2nd Appellant

2.Mehar Banu

3.Aburoja

4.Raja Mohammed

5.Fir Thouse

6.Fairose

7.Mohammed Iqbal : Petitioners 2 to 7 / LR's of the deceased
1st appellant

Vs.

R.Shahul : Respondent/Respondent

PRAYER:- Petition is filed under Section 24 of the Code of Civil Procedure seeking an order to withdraw the pending appeal suit in A.S.No.133 of 1999, on the file of the Additional District cum Chief Judicial Magistrate, Karur and to transfer the same to the file of the District Court, Tiruchirappalli.



Tr.C.M.P.(MD)No.571 of 2024

For Petitioners : Mr.P.Thiagarajan

For Respondent : Mr.B.Ponnu Pandi

ORDER

This petition has been filed seeking transfer of the first Appeal in A.S.No.133 of 1999, from the file of the Additional District cum Chief Judicial Magistrate, Karur to file of the District Court, Tiruchirappalli.

2. It is evident from the records that originally the suit in O.S.No. 752 of 1995 was filed before the Subordinate Court, Kuzhithalai and after trial, the suit was dismissed on 12.09.1997 and that the plaintiffs, aggrieved by the dismissal of the suit, have preferred an appeal in A.S.No.269 of 1993 and the same was taken on the file of the District Court, Tiruchirappalli. Consequent to the constitution of new District at Karur and formation of the District Court at Karur, the appeal came to be transferred to the District Court, Karur and after taking the appeal on file in A.S.No.133 of 1999, the same was made over to the Additional District Court cum Chief Judicial Magistrate Court, Karur and that the



Tr.C.M.P.(MD)No.571 of 2024

WEB COPY

appeal subsequently came to be dismissed on 21.08.2000, that the appellants/plaintiffs have preferred a Second Appeal before this Court in S.A.No.1400 of 2000 and this Court by setting aside the judgment and decree passed by the first appellate Court, ie., the Additional District Court -cum-Chief Judicial Magistrate Court, Karur remitted the matter back to the Additional District Court cum Chief Judicial Magistrate Court to receive additional evidence and then to decide the matter on merits in the light of the observations and directions given by this Court. In pursuance of the directions of this Court, the records were remitted back to the Additional District Court cum Chief Judicial Magistrate Court, Karur.

3. The learned Counsel for the petitioners would submit that the suit property is situated in Puthanatham Village, Manapparai Taluk, which comes under the jurisdiction of Trichirappalli District, that the learned District Judge, Karur has submitted a letter to this Court on 13.02.2024 stating that the Additional District Court at Karur is not having any jurisdiction over the suit property and after the trifurcation of Trichirappalli District, Puthanatham Village, Manapparai Taluk is



Tr.C.M.P.(MD)No.571 of 2024

WEB COPY

attached to Trichirappalli District and that therefore, solicited instructions from the High Court, in this regard.

4. When the clarification sought for by the District Court, Karur was listed, the learned Counsel for the petitioners would submit that there was a direction by this Court to file a transfer application instead of passing of orders on the administrative side and in pursuance of the same, the present Tr.C.M.P., came to be filed to transfer the Appeal from the Additional District Court cum Chief Judicial Magistrate Court, Karur to any of the District Court at Trichirappalli.

5. When the matter is taken up for hearing, the learned Counsel for the respondent would submit that they are leaving it to the discretion of this Court.

6. Admittedly, the suit property is situated within the limites of Manaparai Taluk limit, which comes within the jurisdiction of Trichirappalli District. As already pointed out, this Court, by setting aside the judgment and decree passed by the first appellate, has remitted the matter back to the first appellate Court for fresh disposal. It is not in



Tr.C.M.P.(MD)No.571 of 2024

WEB COPY

dispute that since the first appellate Court ie., the Additional District Court cum Chief Judicial Magistrate Court is not in existence and the Court of the Chief Judicial Magistrate has already been separated, with the Senior Civil Judge as its Presiding Officer., the remanded appeal is yet to be taken on file.

7. Considering the above facts and circumstances, this Court has no hesitation to hold that since Manaparai is coming within the jurisdiction of Trichirappalli District, the appeal in A.S.No.133 of 1999 is ordered to be withdrawn and transferred to the file of the Principal District Court, Trichirappalli and upon receipt of the records, the Principal District Judge is directed to take the appeal on file and made over the same to any other Additional District Judge. The Additional District Judge, Trichirappalli to whom the case is made over is directed to follow the directions given by this Court in the judgment dated 05.06.2023 passed in S.A.No.1400 of 2000 and dispose of the same as expeditiously as possible.



Tr.C.M.P.(MD)No.571 of 2024

WEB COPY

8. With the above directions, the Transfer Civil Miscellaneous
Petition is allowed. There shall be no order as to costs.

24.01.2025

NCC : Yes : No
Index : Yes : No
Internet : Yes : No
SSL

To

1. The Additional District cum Chief Judicial Magistrate Court,
Karur.
1. The Principal District Court, Trichirappalli.



WEB COPY



Tr.C.M.P.(MD)No.571 of 2024

K.MURALI SHANKAR,J.

SSL

PRE-DELIVERY ORDER MADE IN

Tr.C.M.P.(MD)No.571 of 2024

24.01.2025