



Tr.C.M.P(MD).No.588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.588 of 2024

Shanmugam : Petitioner

Vs.

1.Selvanathan

2.Thanabakiyam

3.Rajendran

4.Raman

5.Danapal

6.Rajarajan : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.13 of 2017 on the file of the District Munsif Court, Thirumayam and transfer the same to the Principal District Munsif Court, Madurai District or any other Court.

For Petitioner : Mr.A.Azhagesh

For Respondent : Mr.K.C.Maniyarasu, for R1.

: R2 to R6 dispensed with.



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ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.13 of 2017 on the file of the District Munsif Court, Thirumayam and transfer the same to the Principal District Munsif Court, Madurai District or any other Court.

2. It evident from the records that the petitioner has filed the suit in O.S.No.13 of 2017, for partition and for permanent injunction against the respondents.

3.The learned counsel for the petitioner would submit that the first respondent's son is practising in Thirumayam Court and due to his influence, no counsel has chosen to enter into appearance for the petitioner; that he was forced to take counsel from Coimbatore, but subsequently, he has also given no objection vakalat and that therefore, the petitioner is not in a position to proceed with the case, despite the pendency of the case from 2017 onwards and that therefore, the petitioner was constrained to file the present petition.



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4.The learned counsel for the respondent would submit that the petitioner's allegations are false and untenable and that the petitioner alone has filed an application for appointment of Commissioner and he has been protracting the proceedings.

5.Considering the facts and circumstances of the case and without going into the merits of the allegations levelled, this Court is of the view that the suit in O.S.No.13 of 2017, is ordered to be withdrawn from the file of the District Munsif Court, Thirumayam and transfer the same to the file of the Principal District Munsif Court, Pudukottai. Accordingly, the learned District Munsif, Thirumayam, is hereby directed to transmit the entire records in O.S.No.13 of 2017 to the file of the Principal District Munsif Court, Pudukottai, within a period of 10 days from the date of receipt of a copy of this order. This Court is of the further view that since the suit is pending from 2017 onwards, the learned Principal District Munsif, Pudukottai, is directed to take the suit on its file and complete the trial and dispose of the same within a period of three months from the date of receipt case bundle from the District Munsif Court, Thirumayam.



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6. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

29.01.2025

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

To

- 1.The District Munsif, Thirumayam.
- 2.The Principal District Munsif, Pudukottai.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
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