



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.221 of 2024

1.Srinivasan (died)

...Petitioner/Proposed Defendant

2.S.Karthikeyan

3.C.Bhuvaneswari

4.T.Tharakeswari

*(cause title is accepted vide Court order dated
16.02.2024 made in CMP(MD)No.1651 of 2024 in
Tr.CMP.(MD)SR.No.88066 of 2023)*

*(Proposed Petitioners 2 to 4 herein brought on record as
legal representatives of deceased 1st Petitioner, vide Court
order dated 19.03.2025 in CMP(MD)No.4804 of 2025 in
Tr.CMP(MD)No.221 of 2024)*

...Petitioners 2 to 4/Proposed Petitioners 2 to 4

Vs.

1.Markandeyan

2.Kodeeshwara Paramanathan

3.Chandrakeka

4.Gengamirtham

Ponnammal (Died)

...Respondents/Plaintiffs

Ganeswara Boopathi (Died)

Gnanavel (Died)

...Respondents/Defendants

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to call for the records perusal to the suit in O.S.No.128 of 2000 on the file of the Subordinate Court, Virudhunagar and transfer the same to II Subordinate Court, Madurai.



WEB COPY



For Petitioners : Mr.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

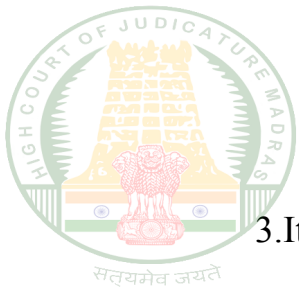
For Respondents : Markandeyan for R1
Party in person
Mr.M.Prabhu for R2 & R4
No appearance for R3

* * * * *

ORDER

The proposed defendant in O.S.No.128 of 2000, on the file of the Sub Court, Virudhunagar, has filed the present transfer petition, seeking to transfer the said suit to the Second Sub Court, Madurai.

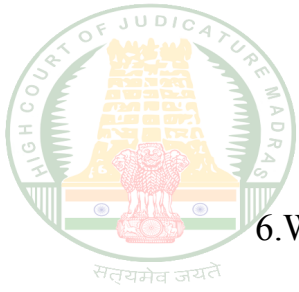
2.A perusal of the transfer C.M.P. reveals that even though both the defendants have passed away, so far the plaintiff has not taken any steps to implead the respective legal heirs. That apart, the revision petitioner herein was impleaded to the suit as a third defendant by way of an order passed in I.A.No. 251 of 2001, dated 14.07.2004. Even though, the said order was confirmed by this Court in C.R.P.(MD)No.1060 of 2015, dated 25.04.2023. So far the plaintiff has not taken any steps to implead the revision petitioner, namely, M.Srinivasan as the third defendant.



3.It is further contended that though the second defendant has also passed away, the plaintiff continues to contend that the second defendant is alive and he is not able to serve the 2nd defendant. It is further contended on the side of the revision petitioner that the plaintiff is a practising advocate of the said Court and may take advantage of the same to influence the proceedings before the Court. Therefore, the suit is pending from the year 1994 onwards. In order to avoid any inconvenience to the parties, the petitioner now seeks to transfer the said suit from Virudhunagar to Madurai.

4.The reasons assigned in the transfer application cannot accepted by this Court. However, this Court is of the considered opinion that in case, if the plaintiff has not taken any steps to implead the legal heirs of the first defendant or to implead the M.Srinivasan or his legal heirs as the defendant in the suit, the trial Court is strictly directed to follow the procedure as contemplated under Order 6 Rule 18 of C.P.C.

5.In such circumstances, this Court does not find any reasons to allow the transfer petition. Considering the fact that the suit is pending from the year 1994 onwards, the trial Court is directed to dispose of the suit on or before **31.12.2025** and file a compliance report before this Court.



6. With the above said observations, this Civil Revision Petition stands

dismissed. No costs.

19.03.2025

3/3

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Sub-ordinate Judge, Virudhunagar.

Copy to:-

The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

Tr.C.M.P(MD)No.221 of 2024

19.03.2025
3/3