

Tr.C.M.P(MD).No.672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 08.04.2026

PRONOUNCED ON :05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.672 of 2024

and

C.M.P(MD)No.16195 of 2024

Vijayalakshmi

: Petitioner / 1st Defendant

Vs.

1.P.R.V.Ramakrishnan

: 1st Respondent/Plaintiff

2.Latha

3.Thavamani

4.V.Balathandapani

5.Nagalakshmi

6.V.Nagarajan

7.V.Packiyalakshmi

8.Dhanabal

: Respondents 2 to 8/Defendants 2 to 7

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.321 of 2024, on the file of the Subordinate court, Udumalaipettai, Tiruppur District and transfer the same to the Subordinate Court, Dindigul, Dindigul District.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.G.Mathavan
for R.6



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- : No Appearance
for R.1, R.4, R.7 and R.8
- : R.2 name printed vide order
dated 28.03.2025
- : Paper publication for R.3 and R.5

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.321 of 2024, on the file of the Subordinate Court, Udumalaipettai, Tiruppur District and transfer the same to the Subordinate Court, Dindigul, Dindigul District.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the sixth respondent and perused the materials available on record.

3. It is evident from the records that the first respondent filed a suit in O.S.No.321 of 2024, on the file of the Subordinate Court, Udumalaipettai to declare that the suit property belonged to the plaintiff as per the Will dtd 27.01.2023 executed by the plaintiff's brother Angusamy and for permanent injunction restraining the defendants and their men from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property and also for mandatory injunction restraining the defendants from fabricating any fraudulent documents.



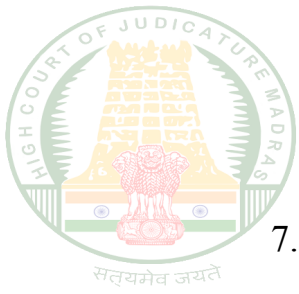
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4. Admittedly, the respondents 1, 4, 6, the deceased Santhanakrishnan, and the deceased Thulasiramakrishnan are the sons and the respondents 5 and 7 are the daughters of the petitioner herein. The case of the petitioner is that her son Angusamy died without marriage, that the said Angusamy was owning movable and immovable properties at the time of his death and since he died intestate, the petitioner being the mother and Class-I heir, has obtained the properties, but the first respondent, alleging that the deceased Angusamy had executed a Will in his favour, filed a suit in O.S.No.321 of 2024, before the Subordinate Court, Udumalaipettai and that therefore, the petitioner was constrained to file the above transfer petition.

5. Despite service of Court notice, the respondents 1, 4, 6 and 7 have not entered appearance.

6. The notice sent to the second respondent was returned with an endorsement "refused". Paper publication was effected in respect of respondents 3 and 5 and therefore, service was held sufficient. The sixth respondent, on receipt of notice, entered appearance through Counsel.

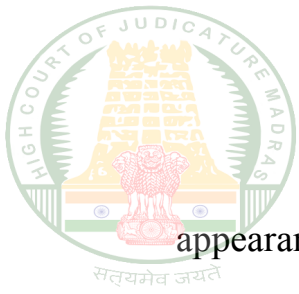


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7. When the matter was taken up on 28.04.2026, the learned Counsel for the sixth respondent submitted that the sixth respondent had passed away and that the steps were being taken in the original suit. As rightly contended by the learned Counsel for the petitioner, the sixth respondent is none other than the son of the petitioner and the brother of the first defendant and is arrayed as the sixth defendant in the suit and that the main contesting respondent - first respondent plaintiff has not chosen to enter into appearance.

8. It is pertinent to mention that the first defendant filed the suit in respect of three items of properties and two items are situated within the jurisdiction of Palani Taluk, Dindigul District whereas 3rd item is situated within the limits of Madathukulam Taluk, Tiruppur District. As rightly pointed out by the learned Counsel for the petitioner, except the eighth respondent, who is stated to be the tenant and the respondents 6 and 7, who are the residents of Trichy District, all the other parties are residents of Dindigul District.

9. Considering the above facts and circumstances and also taking note of the fact that two out of three suit properties are situated within the limits of Dindigul District and that the first respondent/plaintiff has not entered



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appearance to oppose the transfer, this Court is inclined to allow the petition.

Accordingly, the suit in O.S.No.321 of 2024, is ordered to be withdrawn from the file of the Subordinate Court, Udumalaipettai, Tiruppur District and transfer the same to the file of the Principal Subordinate Court, Palani, Dindigul District. The learned Subordinate Judge, Udumalaipettai, Tiruppur District is hereby directed to transmit the entire records in O.S.No.321 of 2024 to the file of the the Principal Subordinate Court, Palani, Dindigul District within a period of 10 days from the date of receipt of copy of this order and on receiving the case bundle, the learned Principal Subordinate Judge, Palani, Dindigul District is directed to take up the suit on file and proceed in accordance with law.

10. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

05.06.2026

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

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5/7



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To

- 1.The Subordinate Court, Udumalaipettai, Tiruppur District.
- 2.The Principal Subordinate Court, Palani, Dindigul District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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Order made in
Tr.C.M.P (MD).No.672 of 2024
and
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05.06.2026