

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Tr.P(C).No. 371 of 2014 ()

**(TO WITHDRAW O.S.NO.441/2014 OF MUNSIFF'S COURT, CHAVAKKADU AND TO
TRANSFER THE SAME TO THE PRINCIPAL SUB COURT, THALASSERRY
O.S.NO.23/2014 OF PRINCIPAL SUB COURT, THALASSERRY)**

PETITIONER :

**V.CLARA PAUL, W/O.LATE V.J.PAUL,AGED 70 YEARS,
VADAKKOOT HOUSE, MATTANNUR P.O.,
PAZHASSI AMSOM, MATTANNUR DESOM,
THALASSERRY TALUK, KANNUR DISTRICT.**

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENT(S):

- 1. V.T.GEORGE,S/O.LATE THOMAS,
VADAKKOOT HOUSE, MATTANNUR P.O.,
KOLERI AMSOM, KALUR DESOM, THALASSERRY TALUK,
KANNUR DISTRICT-673 108.**
- 2. DEVASSI V.V.,S/O.LATE VARGHESE,
VADAKKOOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.**
- 3. V.V.PETER,S/O.LATE VARGHESE,
NO.316, NOORALISHA,MAKKAM ROAD,
KOTTAKKAL ARYAVAIDYASALA AGENCY,
MYSORE-570 001.**
- 4. MONICA JOHN,
W/O.LATE V.V.LONAPPAN @ JOHN, VADAKKOOT HOUSE,
MANALLOOR P.O., MANALLOOR AMSOM DESOM,
THRISSUR DISTRICT-680 617.**
- 5. JOY, S/O.LATE V.V.LONAPPAN @ JOHN,
VADAKKOOT HOUSE,MANALLOOR P.O.,
MANALLOOR AMSOM DESOM,
THRISSUR DISTRICT-680 617.**
- 6. JOSSY,S/O.LATE V.V.LONAPPAN @ JOHN,
VADAKKOOT HOUSE, MANALLOOR P.O.,
MANALLOOR AMSOM DESOM,
THRISSUR DISTRICT-680 617.**

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7. JAISON,
S/O.LATE V.V.LONAPPAN @ JOHN, VADAKKOOT HOUSE,
MANALLOOR P.O., MANALLOOR AMSOM DESOM,
THRISSUR DISTRICT-680 617.
8. CELINA,W/O.LATE ANTONY,
VADAKKOOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.
9. JOISON,S/O.LATE ANTONY,
VADAKKOOT HOUSE, MUTTAM P.O.,
ALUR AMSOM, MUTTAM DESOM, THALAPPALLY TALUK,
THRISSUR DISTRICT-680 511.
10. JOISY,S/O.LATE ANTONY,
VADAKKOOT HOUSE, GURUVAYOOR P.O.,
GURUVAYOOR AMSOM, MAMMIYOOR DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 101.
11. JOSHWA ANTONY,S/O.LATE ANTONY,
GOURI DARSHAN APARTMENT, ROOM NO.201,
KHAREGOM, NEAR HEERA DEVI MANDIR, THANE,
KALWA-400 605.
12. JUSTINE, S/O.LATE ANTONY,
VADAKKOOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.
13. JOLLY JOSE, D/O.LATE ANTONY,
RADDHI APARTMENTS, ROOM NO.102,
PLOT NO.40, SECTOR 9, NEW PANAVEL EAST,
NAVI MUMBAI-410 206.
14. JIPSY XAVIOR,D/O.LATE ANTONY,
THARAKAN HOUSE, KURUPPAMCHIRA ROAD,
ELAMAKKARA P.O., TRA 178, ERNAKULAM-682 026.
15. LILLY JOSEPH, W/O.LATE JOSEPH,
VADAKKOOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.
16. JOFFY, S/O.LATE JOSEPH,
VADAKKOOT HOUSE, AKATHIYOOR P.O.,
AKATHIYOOR AMSOM DESOM, THALAPPILLY TALUK,
THRISSUR DISTRICT-680 511.
17. JESSY JOSEPH,W/O.MANALIL JOE,
VADAKKOOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.

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18. JEENA JOSEPH,
W/O.KEEZHVAZHI JAMES, KEEZHVAZHI HOUSE, THYKAD P.O.,
THYKAD AMSOM, NENMINI DESOM, CHAVAKKADU TALUK,
THRISSUR DISTRICT-680 104.
19. VARGHESE,S/O.LATE JOSEPH,
VADAKKOT HOUSE, CHITTATTUKARA P.O.,
BRAHMAKULAM AMSOM, CHITTATTUKARA DESOM,
CHAVAKKADU TALUK, THRISSUR DISTRICT-680 511.
20. MINI JOSEPH,W/O.LATE PULIKKAL BENNY,
PULIKKAL HOUSE, CHERP P.O.,
CHERP AMSOM DESOM, THRISSUR TALUK,
THRISSUR DISTRICT-680 561.

R1 BY ADV. SRI.K.SHAJ
R3 BY ADV. SRI.E.HARIDAS
R4 BY ADV. SRI.RAJIT
R7 BY ADVS. SRI.N.M.MADHU
SMT.C.S.RAJANI
R14 BY ADV. SRI.V.C.JAMES

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015,ALONG WITH Tr.P.(C).NO.373 OF 2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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Tr.P(C).No. 371 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1 COPY OF THE PLAINT IN O.S.NO.23/2014 PENDING BEFORE THE
PRINCIPAL SUB COURT, THALASSERRY.
- ANNEX A2 COPY OF THE PLAINT IN O.S.NO.120/2014 PENDING BEFORE THE
MUNSIFF COURT, KUTHUPARAMBA
- ANNEX A3 COPY OF THE PLAINT IN O.S.NO.441/2014 PENDING BEFORE THE
MUNSIFF COURT, CHAVAKKADU.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.S.TO JUDGE

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B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.371, 373, 440 & 434 of 2014
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Dated this the 10th day of July, 2015

COMMON ORDER

Three suits are pending in the matter between the parties. O.S.No.441/2014 is with regard to one piece of property involved in O.S.No.23/2014 pending before the Principal Sub Court, Thalassery. O.S.No.23/2014 pending before the Principal Sub Court, Thalassery is for partition, in which nine items of properties are involved. Item No. 9 is three cents of property, which is situated within the jurisdiction of the Munsiff's Court, Chavakkad. Relating to the said property and the other properties involved in O.S.No.23/2014 of the Principal Sub Court, Thalassery, O.S.No.441/2014 is pending before the Munsiff's Court,

Chavakkad.

2. Tr.P.C.No.371 of 2014 is filed by seeking the transfer of O.S.No.441/2014 pending before the Munsiff's Court, Chavakkad to the Principal Sub Court, Thalassery. Tr.P.C.No.373 of 2014 is filed for the transfer of O.S.No.120/2014 pending before the Munsiff's Court, Kuthuparamba to the Principal Sub Court, Thalassery. Tr.P.C.No.440 of 2014 is filed seeking the transfer of O.S.No. 441 of 2014 pending before the Munsiff's Court, Chavakkad to the Subordinate Judge's Court, Chavakkad. Tr.P.C.No.434 of 2014 is filed seeking the transfer of O.S.No. 23/2014 pending before the Principal Sub Court, Thalassery to the Principal Sub Court, Chavakkad.

3. The property involved in O.S. No.120/2014 is one of the items of properties involved in O.S. No.23/2014 of the Principal Sub Court, Thalassery.

4. Heard all the parties and perused the records.

5. On going through the entire matter, this Court is

Tr.P.(C) 371, 373, 440 & 434 of 2014

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satisfied that it is just and convenient in the interest of justice to transfer O.S.No.441/2014 of the Munsiff's Court, Chavakkad and O.S.No.120/2014 of the Munsiff's Court, Kuthuparamba to the Subordinate Judge's Court, Thalassery, for trial along with O.S.No. 23/2014.

In the result, Tr.P.C.No.371 of 2014 and Tr.P.C.No.373 of 2014 are allowed and O.S.No.441/2014 of the Munsiff's Court, Chavakkad and O.S.No.120/2014 of the Munsiff's Court, Kuthuparamba are transferred to the Subordinate Judge's Court, Thalassery, for trial along with O.S.No. 23/2014. Tr.P.C.No.440 of 2014 and Tr.P.C.No.434 of 2014 stand dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge