

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Tr.P(C).No. 494 of 2014 ()

OS 193/2013 of ADDL. MUNSIF COURT - I, KOZHIKODE
OS 47/2014 OF SUB COURT - III

PETITIONER/1ST PLAINTIFF IN O.S.193/2013 :

THEKKE THALAKKAL MUHAMMED, AGED 56 YEARS,
S/O. AHAMMEDKUTTY, RESIDING AT NAJATH,
VENGERI AMSOM DESOM, VENGERI P.O., KOZHIKODE TALUK.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS/DEFENDANTS IN O.S. 193 OF 2013 :

1. SHAKEER, AGED 55 YEARS,
S/O. MUHAMMADALI, MANGADANJERI, KASABA AMSOM,
KARYAKUNNU DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT - 673004.
2. RAJEEM, AGED 53 YEARS,
S/O. MUHAMMADALI, MANGADANJERI, KASABA AMSOM,
KARYAKUNNU DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT - 673004.
3. SAMEERA, AGED 53 YEARS,
D/O. MUHAMMADALI, MANGADANJERI, KASABA AMSOM,
KARYAKUNNU DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT-673004.
4. JALEEL, AGED 48 YEARS,
S/O. MUHAMMADALI, MANGADANJERI, KASABA AMSOM,
KARYAKUNNU DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT-673004.
5. BUSHARA, AGED 46 YEARS,
D/O. MUHAMMADALI, MANGADANJERI, KASABA AMSOM,
KARYAKUNNU DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT-673004.

R1 TO R5 BY ADV. SRI.K.B.SIVARAMAKRISHNAN
BY ADV. SRI.K.SANEESH KUMAR

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-06-2015, ALONG WITH TPC. 592/2014, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I: COPY OF THE PLAINT IN OS NO. 301 OF 2010 DT 10/5/2010, FILED BY THE R1 BEFORE THE PRINCIPAL MUNSIFF COURT-I, KOZHIKODE

ANNEXURE II: COPY OF THE PLAINT IN OS NO. 193 OF 2013 DT 8/5/2013 FILED BEFORE THE ADDITIONAL MUNSIFF COURT - I, KOZHIKODE.

ANNEXURE III: COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN O.S. NO. 193 OF 2013.

ANNEXURE IV: COPY OF THE PLAINT IN OS NO. 47 OF 2014 DT 14/3/2014 FILED BY THE R1 BEFORE THE SUBORDINATE JUDGE'S COURT - III, A, KOZHIKODE.

ANNEXURE V: COPY OF THE WRITTEN STATEMENT DT 7-2-2014, FILED BY THE DEFENDANTS IN OS NO. 47 OF 2014.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Tr.P.(C) Nos.494 & 592 of 2014
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Dated this the 8th day of June, 2015

ORDER

Tr.P.C.No.494 of 2014 is filed by seeking the transfer of OS 193/2013 pending before the Additional Munsiff's Court-I, Kozhikode for trial along with OS No.47/2014 pending before the Subordinate Judge's Court-III A, Kozhikode. Tr.P.C.No.592/2014 is filed by seeking the transfer of OS 301 of 2010 pending before the Principal Munsiff's Court-I, Kozhikode for trial along with OS 47/2014 pending before the Subordinate Judge's Court-III A, Kozhikode. All the three suits are connected. The parties are also common.

2. The respondents herein are not standing in the way of effecting the transfer as prayed for in these transfer

petitions.

3. On hearing either sides, this Court is of the view that it is just and convenient in the interest of justice to transfer OS 193/2013 pending before the Additional Munsiff's Court-I, Kozhikode and OS 301/2010 pending before the Principal Munsiff's Court-I, Kozhikode to the Subordinate Judge's Court-III A, Kozhikode for trial along with OS 47/2014.

In the result, these Transfer Petitions are allowed and OS 193/2013 of the Additional Munsiff's Court-I, Kozhikode and OS 301/2010 of the Principal Munsiff's Court-I, Kozhikode are transferred to the Subordinate Judge's Court-III A, Kozhikode for trial along with OS 47/2014.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge