

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.528 of 2015 &
M.P.No.1 of 2015

1.D.Stalin
2.Santha
3. T.D.s.Babu @ Ramalingam

... Petitioners

v.

1.Sagunthala
2.Varadaraja Perumal

3.M/s.Sri Rajarajeswari Tex
Proprietrix Sagunthala
Office at 7/101, Murugan Koil Stret,
8th Cross, Ammal Eri Road,
Dadagapatty, Salem - 636 006.

4.Ramachandran
5.R.Uma
6.P.Chandrakala
(C.T. accepted vide order of court
dated 30.06.2015 made in MP.1/15
in Tr.CMP.No.44029/15)

... Respondents

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw
O.S.No.1181 of 2011 from the file of the Principal District Munsif
Court, Salem for being tried along with O.S.No.3 of 2012 on the
file of III Additional District Judge, Salem.

For Petitioners : D.Shivakumaran

O R D E R

The petitioners herein filed the suit in O.S.No.1181 of 2011
before the Principal District Munsif Court, Salem seeking the
following reliefs:-

(i) to declare the sale deed dated 22.12.2010 in
Document No.8506 of 2009 between Sagunthala and Varadaraja
Perumal as Power of Attorney Holder of Stalin, Santha, Uma,
Chandrakala and Ramalaignam as void and non est and
not binding on the plaintiffs; and

(ii) permanent injunction restraining the defendants, therein from interfering the peaceful possession and enjoyment of the suit properties.

2. Thereafter, the 1st defendant in the suit filed O.S.No.3 of 2012, arraying the petitioners as defendants, before the III Additional District Court, Salem. In the said suit, she prayed declaration of the title of the suit property and also to deliver possession of the suit property.

3. According to the learned counsel for the petitioners, in both the suits, parties are one and the same and hence, this court could issue direction to transfer the suit in O.S.No.1181 of 2011 on the file of Principal District Munsif Court, Salem to try along with O.S.No.3 of 2012, on the file of III Additional District Judge, Salem.

4. I am of the view that though this court has jurisdiction under section 24 of Civil Procedure Code to entertain this petition, the petitioners can very well approach the Principal District Munsif Court, Salem with the same prayer. When it has been pointed out, the learned counsel for the petitioners has sought permission of this court to withdraw the Transfer C.M.P. with liberty to file an appropriate transfer petition before the Principal District Munsif Court, Salem.

5. Recording the submission made by the learned counsel for the petitioners, this Transfer C.M.P. is dismissed as withdrawn with liberty to approach the concerned District Judge. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal District Munsif Court, Salem
2. The III Additional District Judge, Salem.

+ 1 cc to M/s. D. Shivakumaran, Advocate Sr.40529

Tr.C.M.P.No.528 of 2015 &
M.P.No.1 of 2015

RSI (CO)

EU 24.08.15