

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

The Hon'ble Mr. Justice D. Hariparanthaman

Tr. C.M.PNos.577 and 578 of 2013

and

M.P.Nos1 to 3 of 2013 in both Petitions

N.Mariappan

.. Petitioner in both Petitions

Vs.

1. S.Lakshmi
2. S.Ponnammal
3. S.Shobana
4. Krishnakumaran
5. Lakshmiammal

.. Respondents in both Petitions

Transfer Civil Miscellaneous Petition No.577 of 2013 is filed with a prayer to withdraw the suit in O.S.No.265 of 2013, pending on the file of the Principal District Munsif Court, Poonamallee, and transfer the same to Additional District Munsif Court, Poonamallee, and consequently, to direct the Additional District Munsif Court, Poonamallee, to take up the matter in O.S.No.264 of 2013, pending on its file along with O.S.No.265 of 2013, for joint trial.

Transfer Civil Miscellaneous Petition No.578 of 2013 is filed with a prayer to withdraw the suit in O.S.No.257 of 2013, pending on the file of the Principal District Munsif Court, Poonamallee, and transfer the same to Additional District Munsif Court, Poonamallee, and consequently, to direct the Additional District Munsif Court, Poonamallee, to take up the matter in O.S.No.264 of 2013, pending on its file along with O.S.No.257 of 2013, for joint trial.

For Petitioner : Mr.M.V.Muraalidharan
in both Petitions

For Respondents
1, 2 and 4 : Mr.K.Chanrasekaran
in both petitions

COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed by the petitioner, seeking to withdraw the suits, viz., O.S.Nos.265 and 257 of 2013, pending on the file of the Principal District Munsif Court, Poonamallee, and to transfer those Suits to the Additional District Munsif Court, Poonamallee, and consequently, to direct the Additional District Munsif Court, Poonamallee, to take up the suit in O.S.No.264 of 2013, pending on its file to try along with aforesaid two suits, viz. O.S.Nos.265 and 257 of 2013.

2. Heard both sides.

3. It is not in dispute the Suits in O.S.Nos.265 and 257 of 2013 are pending on the file of Principal District Munsif Court, Poonamallee, and the Suit in O.S.No.264 of 2013, is pending on the file of the Additional District Munsif Court, Poonamallee. It is also an admitted fact that the properties involved in all those suits are common and the parties are also one and the same, and trial is yet to commence in all the Suits.

4. Considering the above stated facts and circumstances, this Court is of the view that all the Suits have to be tried by the same Court. If the Suits are allowed to be decided by different Courts, conflict of judgement will follow and to avoid the same, the suit in O.S.No.264 of 2013, pending on the file of Additional District Munsif Court, Poonammallee has to be transferred to the Principal District Munsif Court, Poonamallee to be tried along with O.S.Nos.257 and 265 of 2013.

5. In the result, these Transfer Civil Miscellaneous Petitions are disposed of, and the suit in O.S.Nos.264 of 2013, pending on the file of the Additional District Munsif Court, Poonamallee, is ordered to be transferred to the Principal District Munsif Court, Poonamallee, to be tried along with the Suits in O.S.Nos.265 and 257 of 2013. No costs. Consequently, connected miscellaneous petitions are closed.

Sd

Sd/-

Assistant Registrar (Admn I)

/True Copy/

Sub-Assistant Registrar

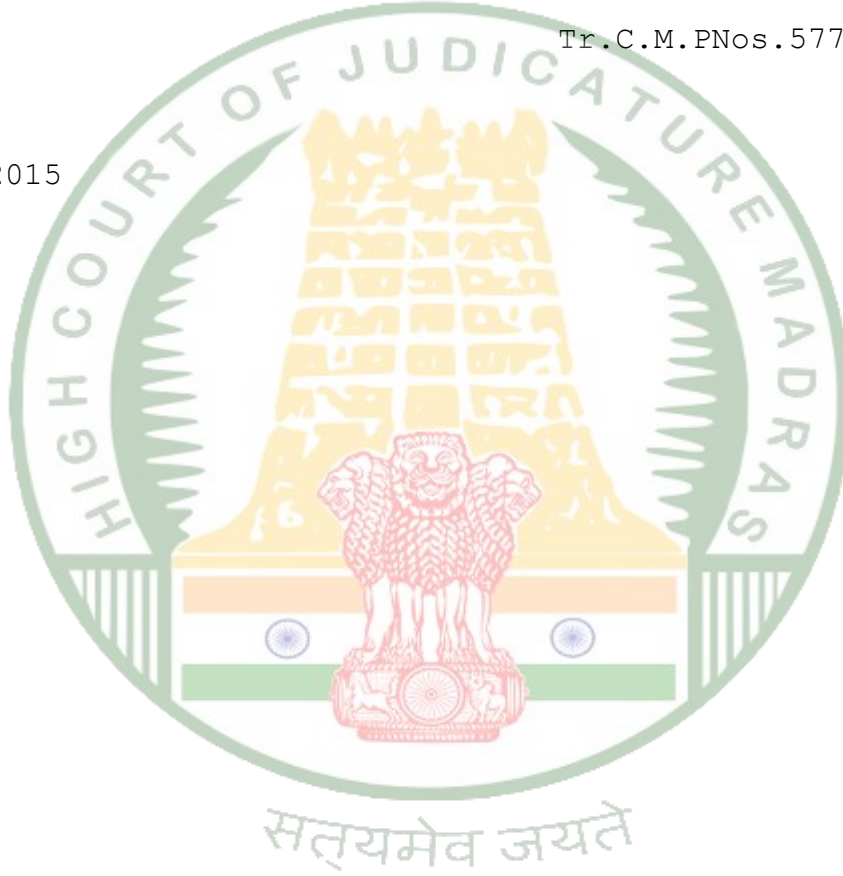
To

1. The Principal District Munsif Court,
Poonamallee.
2. The Additional District Munsif Court,
Poonamallee

+1 C.C. To MR.M.V.Muralidaran, Advocate, in SR.NO.55701
+1cc to Mr.K.Chandrasekaran, Advocate sr.55861[26/11/2015]

Tr.C.M.PNos.577 and 578 of 2013

AD(CO)
sd : 05/11/2015



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