



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2015

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.432 of 2014
and
M.P(MD)No.1 of 2014

A.R.Krishnamorthy

... Petitioner

Vs.

Irulandy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw O.S.No.71 of 2014 on the file of District Munsif Court, Paramakudi and transfer same to the Subordinate Court, Paramakudi to be tried along with connected cases in O.S.No.8 of 2009 and O.S.No.95 of 2009.

For Petitioner : Mr.N.S.Ponnaiah
For Respondents : Mr.S.Visvalingam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the O.S.No.71 of 2014 on the file of District Munsif Court, Paramakudi and transfer same to the Subordinate Court, Paramakudi to be tried along with connected cases in O.S.No.8 of 2009 and O.S.No.95 of 2009.

2.The respondent filed O.S.No.71 of 2014 for specific performance before the District Munsif Court, Paramakudi. The petitioner filed O.S.No.8 of 2009 to declare the sale agreement, dated 30.12.2007 as non-enforceable and O.S.No.126 of 2012 filed by the respondent and his wife for permanent injunction.

3.This Court by the order dated 06.03.2014 made in Tr.C.M.P(MD)No.90 of 2013 transferred the O.S.No.126 of 2012 from the District Munsif, Paramakudi to Sub Court, Paramakudi.

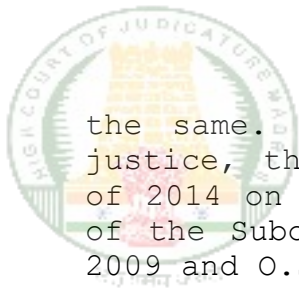
4.According to the petitioner, the two suits in O.S.No.8 of 2009 and O.S.No.126 of 2012 are pending on the file of the Sub Court, Paramakudi. The subject matter of properties and parties are one and the same in all three suits.

5.The learned counsel for the respondent filed a detailed counter affidavit and opposed the transfer petition.

6.Heard the learned counsel appearing for the petitioner and for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

7.In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and



the same. In order to avoid conflicting of decisions and interest of justice, the petitioner is prayed for transfer of the suit in O.S.No.71 of 2014 on the file of the District Munsif Court, Paramakudi to the file of the Subordinate Court, Paramakudi to be tried along with O.S.No.8 of 2009 and O.S.No.126 of 2012.

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8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.S.No.71 of 2014 on the file of the District Munsif Court, Paramakudi is hereby withdrawn and transferred to the file of the Subordinate Court, Paramakudi to be tried along with O.S.No.8 of 2009 and O.S.No.126 of 2012, if the same is not yet disposed of. The learned District Munsif Court, Paramakudi is directed to send the case bundles to the Court of the Subordinate Court, Paramakudi, immediately.

The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1.The District Munsif,Paramakudi.

2.The Subordinate Court, Paramakudi.

+1cc to MR.S.VISVALINGAM,ADVOCATE IN SR NO.20933

+1cc to MR.N.S.PONNAIAH, ADVOCATE IN SR NO.21590

COPY TO:

THE SECTION OFFICER,

VR.SECTION,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Tr.C.M.P. (MD)No.432 of 2014
22.04.2015

RG.30.04.2015 2P.6C.