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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.202 of 2013
and
M.P(MD)No.1 of 2013

1)S.Sankaran
2)J.Ramalakshmi ...Petitioners/Defendants

Vs.

1)S.Jothiramalingam
2)G.Sokkanathan
3)G.Sankararaman
4)B.Sukumar
5)Sri Gokulam Chits & Finance
Company (P) Ltd.,
Through its Director,
A.M.Kumaran, s/o.Saththu,
66, Arcot Road, Kodambakkam,
Chennai-36.
6)A.Subbiah Yogeeswarar ...Respondents/Plaintiffs

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in O.S.No.23 of 2013 on the file of the District Munsif Court, Srivaikuntam, Thoothukudi District and transfer the same to the Principal Sub Court, Tirunelveli, to try along with O.S.No.259 of 2011.

For Petitioners : Mr.G.Prabhu Rajadurai
For Respondents : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of O.S.No.23 of 2013 from the file of the District Munsif Court, Srivaikuntam, Thoothukudi District, to the file of the Principal Sub Court, Tirunelveli, to be tried along with O.S.No.259 of 2011 pending on the file of the Principal Sub Court, Tirunelveli.

2.The 1st respondent/Jothiramalingam has filed O.S.No.259 of 2011 on the file of the Principal Sub Court, Tirunelveli, against the 1st petitioner for declaration and permanent injunction. He has also filed O.S.No.23 of 2013 on the file of the District Munsif Court, Srivaikuntam, Thoothukudi District, against the petitioners and respondents 2 to 6 for declaration and permanent injunction in respect of the suit schedule properties.

3.Despite service of notice and the names are being shown in the cause list, the respondents have not chosen to appear either in person or through pleader.

4.The parties in both the suits are common and if both the suits are tried together by one Court, it would avoid multiplicity of proceedings and it would also help the parties to examine witnesses and for early pronouncement of the verdict.

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5.In view of the above, the suit in O.S.No.23 of 2013 is ordered to

be transferred from the file of the District Munsif Court, Srivaikuntam, Thoothukudi District, to the file of the Principal Sub Court, Tirunelveli. The learned District Munsif Court, Srivaikuntam, is directed to forward the case papers in O.S.No.23 of 2013 to the learned Principal Sub Judge, Tirunelveli, forthwith. On receipt of such case papers, the learned Principal Sub Judge, Tirunelveli is directed to proceed with the trial in both the cases and pass judgments in accordance with law.

The Transfer Civil Miscellaneous Petition is allowed accordingly. Consequently, M.P(MD)No.1 of 2013 is closed. No costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
1)The District Munsif,
Srivaikuntam, Thoothukudi District.

2)The Principal Subordinate Judge, Tirunelveli.

Copy to: The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.G.Prabhu Rajadurai, Advocate in SR.7228

TR.CMP(MD)No.202 of 2013
and M.P(MD)No.1 of 2013
16.02.2015

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