

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

Transfer C.M.P.No.713 of 2014
and
MP.No.1 of 2014

V.Senthilkumar
Rep.by its Power Agent T.Subramaniam ... Petitioner/2nd
Defendant

Vs

- 1.Siddharth ... 1st Respondent/Plaintiff
- 2.Velayutham ... 2nd Respondent/1st Defendant
- 3.The Branch Manager,
State Bank of India,
Agricultural Development Branch,
Udumalpet,
Tiruppur District. 3rd Respondent/3rd Defendant
- 4.The Secretary,
Primary Agricultural Co-operative Bank,
Ganapathipalyam,
Tiruppur District. 4th Respondent/4th Defendant

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case pending on the file of the District Court, Dindigul in O.S.No.112/13 to the file of the District Court, Tiruppur to be tried alongwith suit in O.S.No.138/14 pending on the file of the District Court, Tiruppur.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.N.Damodaran for R1
Mr.P.D.Audikesavalu for R3
No appearance for R2 and R4

ORDER

The petitioner filed this Transfer Petition for withdrawal of the proceedings in O.S.No.112 of 2013 on the file of District Court, Dindigul for the purpose of trial along with the suit in O.S.No.138 of 2014 pending before the District Court, Tiruppur.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of respondents 1 and 3.

3. The first respondent instituted a suit for partition before the District Court at Dindigul in O.S.No.112 of 2013. The petitioner is party to the said suit. The petitioner on the other hand, filed a suit in O.S.No.138 of 2014 before the District Court at Tiruppur. The suit is one for partition.

4. There are 16 items of properties involved in the matter. Out of that, 11 items are situated within the jurisdiction of District Court, Tiruppur. The remaining properties are situated within the jurisdiction of District Court, Dindigul. The parties are also residing within the jurisdiction of District Court at Tiruppur.

5. The suits were filed for partition. In case, two suits with an identical prayer are taken up by two different courts, there is a possibility of passing contradictory orders in the matter. Moreover, the majority of the items of properties are situated within the jurisdiction of District Court, Tiruppur. The parties are at Tiruppur. I am therefore of the view that the suit in O.S.No.112 of 2013 deserves to be transferred.

6. The suits in O.S.No.112 of 2013 is withdrawn from the file of District Court, Dindigul and is transferred to the file of District Court, Tiruppur, for disposal along with O.S.No.138 of 2014.

7. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

rm/svki

Sub Assistant Registrar

To

1. The District Judge,
Dindigul.
2. The District Judge,
Tiruppur.
3. The Branch Manager,
State Bank of India,
Agricultural Development Branch,
Udumalpet, Tiruppur District.
4. The Secretary,
Primary Agricultural Co-operative Bank,
Ganapathipalyam,
Tiruppur District.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.56843

+1cc to Mr.P.D.Audikesavalu, Advocate, S.R.No.57332

+1cc to Mr.N.Damodaran, Advocate, S.R.No.57030

Tr. C.M.P.No.713 of 2014
and
C.M.P. No. 1 of 2014

RV (CO)
CA(09/11/2016)



WEB COPY