

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
Transfer CMP Nos.234 and 235 of 2015
and
MP.Nos.1 of 2015

G.Rajkumar

...Petitioner in both
petitions

versus

1. G.Anandakumar
2. G.Elangovan
3. G.Elumalai
4. M.Krishnasamy

...Respondents in
Transfer CMP No.234/2015

1. R.Govindasamy
2. G.Elumalai
3. M.Krishnasamy

...Respondents in
Transfer CMP No.235/2015

PRAYER in Tr.CMP No.234/2015: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in O.S.No.53 of 2014 on the file of Sub Court, Ponneri and transfer the same to the file of IV Additional District Court, Ponneri to be tried along with O.S.No.5 of 2015 pending on the file of the IV Additional District Court, Ponneri, on merits.

PRAYER in Tr.CMP No.235/2015: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in O.S.No.146 of 2014 on the file of District Munsif Court, Ponneri and transfer the same to the file of IV Additional District Court, Ponneri to be tried along with O.S.No.5 of 2015 pending on the file of the IV Additional District Court, Ponneri, on merits.

For Petitioner
in both petitions : Mr. S.Sadasharam

For Respondents
1 and 2 in Tr.CMP 234/2015
for respondents in
Tr.CMP 235/2015 : Mr.S.Udayakumar
(RR1 to 3) in
TR CMP.235/15

COMMON O R D E R

The respondents 1 and 2 in Transfer CMP No.234 of 2015 filed a suit in O.S.No.53 of 2014 before the Subordinate Court at Ponneri against the petitioner and respondents 3 and 4. The petitioner in both the transfer petitions, on the other hand filed a suit in O.S.No.5 of 2015 before the IV Additional District Court at Ponneri against the respondents.

2. The petitioner in Transfer CMP No.235 of 2015 is the defendant in O.S.No.146 of 2014 before the District Munsif Court at Ponneri.

3. The petitioner seeks an order in Transfer CMP No.234 of 2015 for transfer of the proceedings in O.S.No.53 of 2014 from the file of Subordinate Court at Ponneri to the file of IV Additional District Court at Ponneri for disposal along with the Suit in O.S.No.5 of 2015

4. The petitioner seeks an order in Transfer CMP No.235 of 2015 to withdraw the proceedings in O.S.No.146 of 2014 from the file of District Munsif Court at Ponneri and transfer the same to the file of IV Additional District Court at Ponneri.

5. Heard the learned counsel for the petitioner the learned counsel appearing on behalf of the respondents.

6. The learned counsel for the respondents fairly submitted that the respondents have no objection in transferring the proceedings in view of the involvement of common issues in all these matters. I am therefore of the view that transfer petitions deserve to be allowed.

7. The proceedings in O.S.No.53 of 2014 and O.S.No.146 of 2014 are withdrawn from the file of Subordinate Court at Ponneri and District Munsif Court, Ponneri respectively and are transferred to the file of IV Additional District Court at Ponneri for disposal, on merits, along with the suit in O.S.No.5 of 2015.

8. The Transfer CMPs are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Sub Judge
Sub Court Ponneri

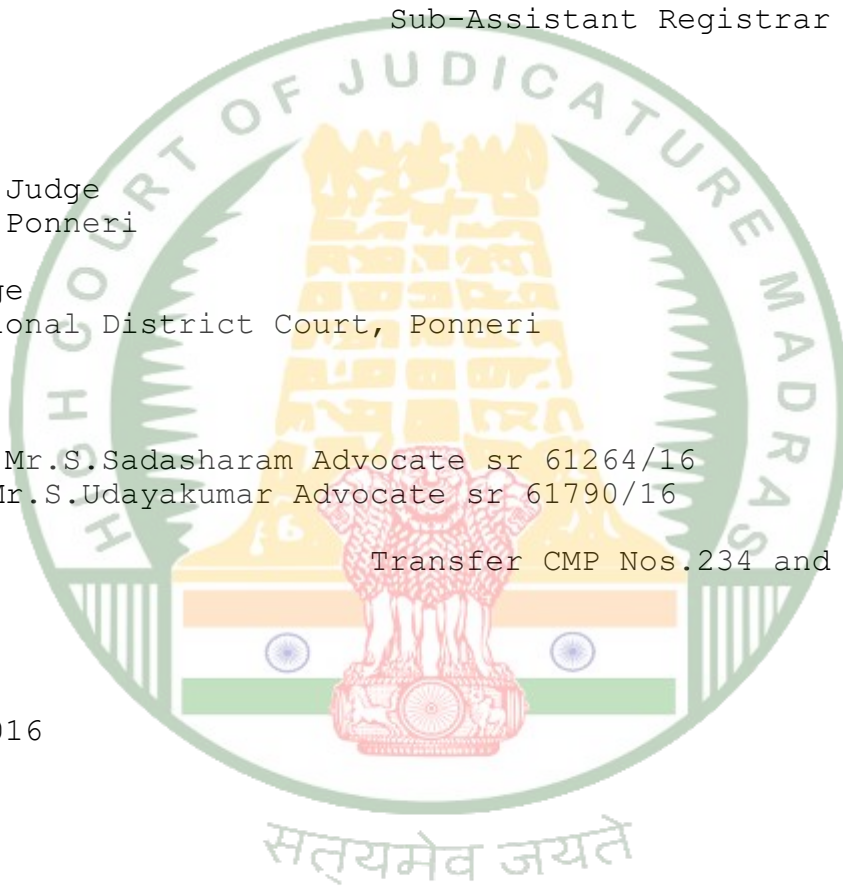
2.The Judge
IV Additional District Court, Ponneri

+2 ccs to Mr.S.Sadasharam Advocate sr 61264/16

+1 cc to Mr.S.Udayakumar Advocate sr 61790/16

Transfer CMP Nos.234 and 235 of 2015

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