

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.900 of 2015
and M.P.No.1 of 2015

1.Ramya @ Lalitha @ Yogammal
2.Ramganesha @ Ramasamy ... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department, Fort St. George,
Chennai - 600 047.
- 2.The District Collector,
Collectorate, Kanchipuram,
Kanchipuram District.
- 3.The Revenue Divisional Officer,
Madurantakam,
Kanchipuram District.
- 4.The Tahsildar,
Taluk Office, Madurantakam,
Kanchipuram District.
- 5.The Revenue Inspector,
Zameenendathur Firka,
Madurantakam Taluk,
Kanchipuram District. ... Respondents

Prayer:- Petition has been filed under Section 24 of C.P.C.,
praying, to withdraw the suit in O.S.No.117 of 2013 pending
on the file of the learned Principal Sub Judge, Madurantakam
and transfer it to the learned Principal District Judge,
Chengulpet and tag along with O.S.No.178 of 2013 pending on
the Principal District Court, Chengulpet.

For Petitioners : Mr.B.Balavijayan

O R D E R

The petitioners have come forward with this petition to transfer O.S.No.117 of 2013 pending on the file of the Principal Sub Court, Madurantakam to the file of the Principal District Court, Chengulpet for joint trial along with O.S.No.178 of 2013 pending on the file of the Principal District Court, Chengulpet.

2.The petitioners filed a suit in O.S.No.117 of 2013 before the Sub Court, Madurantakam against the Government officials for claiming damages for demolition of compound wall in respect of the property situated in Saravambakkam village in S.No.146/1-B measuring an extent of 1.05 acres. The petitioner's father filed another suit in O.S.No.178 of 2013 before the Principal District Court, Chengulpet for claiming damages for demolition of compound wall in respect of the property situated in Saravambakkam village in S.No.138/2-D measuring an extent of 0.15 acres. It is further submitted that in the suit in O.S.No.117 of 2013, all the defendants were set exparte and it was posted for exparte evidence, but whereas in the suit in O.S.No.178 of 2013 pending on the file of the Principal District Court, Chengulpet, the defendants/Government officials filed the written statement and contesting the same. Hence, the petitioners have come forward with this petition to transfer O.S.No.117 of 2013 pending on the file of the Sub Court, Madurantakam to the file of the Principal District Court, Chengulpet for joint trial along with O.S.No.178 of 2013.

3.Heard the learned counsel appearing for the petitioners and perused the typed set of papers.

4.The petitioners herein filed a suit in O.S.No.117 of 2013 claiming damages for demolition of compound wall. As per the order passed in W.P.No.6711 of 2009, the defendants measured the property and filed a report and on that basis, they demolished the compound wall. The plaintiffs in both the suits are different and the properties are also different. In such circumstances, I do not find any reason for transferring O.S.No.117 of 2013 pending on the file of the Sub Court, Madurantakam to the file of the Principal District Court, Chengulpet for joint trial along with O.S.No.178 of 2013 since the suit is only for claiming damages for demolition of compound wall. Hence, the Transfer Civil Miscellaneous Petition deserves to be dismissed.

5.In the result, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

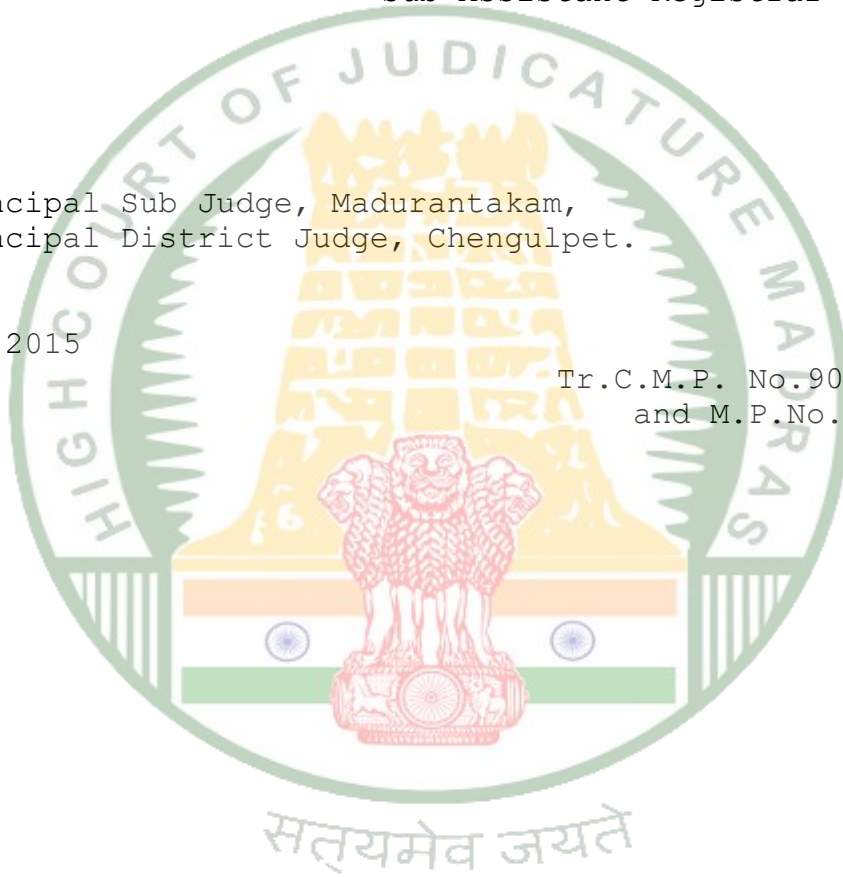
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To

- 1.The Principal Sub Judge, Madurantakam,
- 2.The Principal District Judge, Chengulpet.

nm co
kra 28.01.2015

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