

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Tr.C.M.P.No.914 of 2015

&

M.P.No.1 of 2015

1.Chakkaravarthy Daniel

2.Sulochana C Daniel

3.N.T.Jacob Education and Research Foundation

(NTJ Education and Research Foundation)

Represented by its Founder Trustee

Mr.Chakkaravarthy Daniel

having office at No.4/2, NTJ Garden

Vengambakkam road

Vengambakkam

Chennai-600 048

... Petitioners

vs.

1.Dr.Joel

2.Thomas

3.Magathu Meeran

4.Diwan Beevi

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.220/2012, pending on the file of the Additional Sub Judge, Tirunelveli and transfer the same to Sub Court, Tambaram to be tried together with A.S.Nos.24 and 23 of 2015.

For Petitioners

:

Mr.K.S.Ramakrishnan

For Respondents

:

No Appearance for R1

M.Sheelapriyadharshini for R2

M.Revathy for R3 and 4

ORDER

This petition seeks transfer of O.S.No.220/2012 on the file of Additional Sub Court, Tirunelveli, to the file of Sub Court, Tambaram to be jointly tried with A.S.Nos.23 and 24 of 2015.

2. Heard learned counsel for petitioners and learned counsel for respondents.

3. Learned counsel for petitioners submits that petitioners have filed A.S.Nos.23 and 24 of 2015 on the file of learned Subordinate Judge, Tambaram, against the judgments passed in O.S.No.220 of 2010 and 432 of 2007 dated 28.01.2015. In all actions, properties are one and the same and hence, it would be desirable to have all the matters together. Submitting as above, learned counsel prays for transfer.

4. Learned counsel for respondents 2 to 4 has no objection for transfer as prayed for.

Since the properties are one and the same in all actions, this Court is of the view that it would be appropriate to try all the cases together. Accordingly, the Transfer Miscellaneous Petition is allowed. The suit in O.S.No.220/2012 on the file of Additional Sub Court, Tirunelveli, is transferred to the file of Sub Court, Tambaram to be jointly tried with A.S.Nos.23 and 24 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Additional Sub Judge, Tirunelveli

2. The Judge, Sub Court, Tambaram

+ 2 ccs to Mr.K.S.Ramakrishnan, Advocate SR 39183

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