

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Tr.C.M.P.No.99 of 2015

&

M.P.No.1 of 2015

1.Govindappa Naidu
2.Sakunthala
3.Vasantha
4.Subban
5.Ravi

... Petitioners

vs.

1.Thayarammal
2.Nagabooshanam
3.Rajendiran
4.Chiranjeevalu

.... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.156/2007, pending on the file of the District Munsif Court, Sholinghur and to transfer the same to Sub Court, Arakkonam, and to have joint trial alongwith OS.NO.105/2010 by allowing the present Transfer Civil Miscellaneous petition.

For Petitioners : Mr.A.Gouthaman
For Respondents : Mr.T.Kannan for R1
R2 to R4 No appearance

WEB COPY
ORDER

This Transfer Civil Miscellaneous Petition has been filed for withdrawal of O.S.No.156/2007, pending on the file of the District Munsif Court, Sholinghur and to transfer the same to Sub Court, Arakkonam.

2. Heard learned counsel for petitioners and learned counsel for first respondent.

3. Both actions seek partition of property. The parties are common. O.S.No.156/2007 on the file of District Munsif Court, Sholingur was filed by the first respondent. The petitioners herein not having been impleaded have initiated a separate action for similar relief in O.S.No.105/2010 on the file of Sub Court, Ranipet, which case is presently pending on the file of Sub Court Arakkonam. Subsequently, on the application of the petitioners they have been impleaded as party defendants in O.S.No.156/2007. Thus, both these suits relates to the same property and is between the same parties.

4. Learned counsel for the first respondent has no objection to the transfer as prayed for. He, however would seek an early disposal of the cases.

5. Accordingly, this petition is allowed and the O.S.No.156/2007 pending on the file of District Munsif Court, Sholinghur is transferred to Sub Court, Arakkonam to be tried together with O.S.No.105/2010. The court below is directed to dispose of the suits as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSV)

True Copy

Sub-Assistant Registrar

To

1.The District Munsif Court
Sholinghur

2.The Sub Court
Arakkonam

+1 cc to Mr.T.Kannan Advocate sr.29753

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