



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr. C.M.P. No.24 of 2012

and

M.P.No.1 of 2012

M.P.Nethaji
General Power of Attorney of
Rahamathunissa and Shahul Hameed

... Petitioner

Vs

Kanniammal (deceased)
Devendran (deceased)
1.Mani
2.Arumugam
3.Ravi
Mariappan (deceased)
4.Ponnappa Pillai
Thulasi (deceased)
Krishna (deceased)
5.Karima Biwi
6.Kabir Biwi (Asha Biwi)
7.Mymen Biwi
8.Kalki Anantha Narayanan
9.Ravi
10.Ramani Ammal
11.Raja Raman
12.Rahamathunisa
13.Raziunisa
14.Raziunnisa
15.Javidhusain
16.Akthurhusain
17.Amjathjusain
18.Iqbal Ahmed
19.Nazeer Ahmed
20.Mushtaq
21.D.Shanthi Bai

Rep. by her Power of Attorney

Deepchand

(RR1 to 20 are given up)

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.1074 of 1982 on the file of the District Munsif Court at Poonamallee and transfer the same to the III Additional Judge, City Civil Court, Chennai to try along with O.S.No.12162 of 2010.



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For Petitioner : Mr.S.T.Deiveegarajan
for Mr.C.D.Suguma

For 21st respondent : Mr.Ramesh Kumar Chopra
RR 1 to 20 - Given up

ORDER

The petitioner herein/1st respondent in C.R.P.No.3768 of 2011 has filed the transfer civil miscellaneous petition for the transfer of O.S.No.1074 of 1982 from the file of the District Munsif Court, Poonamallee to the Court of III Additional Judge, City Civil Court, Chennai.

2. The petitioner has come forward with this petition under Section 24 of the Code of Civil Procedure to withdraw O.S.No.1074/1982 from the file of the District Munsif Court, Poonamallee and transfer the same to the file of the III Additional Judge, City Civil Court, Chennai to be tried along with O.S.No.12162/2010 pending on the file of the said court. Along with the petition, C.R.P.(PD) No.3768/2011 also stands posted for hearing. The said civil revision petition has been filed against the decree of the learned Subordinate Judge, Poonamallee dated 24.06.2010 made in C.M.A.No.19/2009, setting aside the order of the trial court dated 25.07.2007 made in I.A.No.2445/2003, by which the said interlocutory application had been dismissed by the trial court. The said application had been filed for setting aside the ex-parte decree dated 31.03.1983 passed in the above said suit O.S.No.1074/1982 on the file of the District Munsif Court, Poonamallee. The above said civil revision petition has been allowed by this court today setting aside the decree of the lower appellate court and restoring the order of the trial court dismissing the application filed under Order IX Rule 13 CPC. In view of the order passed in C.R.P.(PD) No.3768/2011, the resultant position is that no suit in O.S.No.1074/1982 is pending on the file of the District Munsif Court, Poonamallee and it stands disposed of by the ex-parte decree dated 31.03.1983. As such, the present petition has become infructuous and the same is liable to be dismissed.

In the result, the transfer civil miscellaneous petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//



gya/asr

To

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1.The III Additional District Judge,
City Civil Court, Chennai

2.The District Munsif Court,
Poonamallee

+lcc to Mr.T.Murugamanickam, Advocate, S.R.No.13534

Tr.C.M.P.No.24 of 2012
and
M.P.No.1 of 2012

RV(CO)
CA(08/03/2016)