

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.128 of 2016

And

C.M.P.No.3127 of 2016

Mrs.T.Bama

... Petitioner

Vs.

1.Tmt.R.Janaki

2.Tr.Rajendran

... Respondents

Prayer:

Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the case in O.S.No.66 of 2014 pending on the file of Additional District Munsif Court Alandur and to permit to transfer the same on the file Principal District Munsif, Alandur to have a joint trial along with in O.S.No.33 of 2014 and O.S.No.175 of 2014.

For Petitioner : Ms.A.L.Abirami
for M/s.T.Arockia Dass

For Respondents : No Appearance

O R D E R

The plaintiff in O.S.No.66 of 2014 on the file of the Additional District Munsif Court Alandur has come up with this petition for transfer of the two other suits in O.S.No.33 of 2014 and O.S.No.175 of 2014 pending on the file of Principal District Munsif, Alandur.

2.Heard the learned counsel for the petitioner. None appears on behalf of the respondents inspite of printing their names in the cause list after service.

3.The petitioner filed a suit for injunction in O.S.No.66 of 2014 before the Additional District Munsif Court Alandur against the respondents praying for a decree of injunction. The first respondent filed a suit in O.S.No.33 of 2014 before the Principal District Munsif, Alandur against the petitioner and her husband praying for a decree of permanent injunction. There is yet another suit in O.S.No.175 of 2014 filed by Mrs.E.Lakshmi

and others before the Principal District Munsif, Alandur. Since common questions are involved in all these matters, the petitioner has come up with this petition for transfer.

4.I have perused the plaint in O.S.No.33 of 2014, O.S.No.66 of 2014 and O.S.No.175 of 2014.

5.The suit filed by the petitioner is pending on the file of Additional District Munsif Court Alandur. The other two suits in O.S.No.33 of 2014 and O.S.No.175 of 2014 are pending before the Principal District Munsif, Alandur. Since common questions are involved in all the suits and taking into account the relief, claimed in the respective suits and the Schedule of property, I am of the view that the transfer petition deserves to be allowed.

6.The suit filed by the petitioner in O.S.No.66 of 2014 is withdrawn from the file of Additional District Munsif Court, Alandur and is transferred to the file of the Principal District Munsif, Alandur for simultaneous disposal along with the suits in O.S.No.33 of 2014 and O.S.No.175 of 2014.

7.The transfer petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Additional District Munsif Court, Alandur.

2.The Principal District Munsif, Alandur.

1 cc to Mr.T. Arockia Doss, Advocate, Sr. 64053

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