

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.CMP.Nos.683 & 684 of 2013
and MP.No.1 & 1 of 2013

1.S.M.Mustafa Rowther .. Petitioner in Tr.CMP.No.683 of 2013
1st Petitioner in Tr.CMP.No.684 of 2013
2.Asraf Ali
3.S.M.Mohamed Zakaria
4.Shabeera Ma
5.Parveen
6.Yasmin .. Petitioners 2 to 6 in Tr.CMP.No.684
of 2013

Vs.

1.Noorjahan
2.S.A.Appas
3.S.A.Samathu .. Respondents 1 to 3 in both Tr.CMPs
4.Mohamed Hussain .. 4th Respondent in Tr.CMP.No.684 of 2013

Prayer in Tr.CMP.No.683 of 2013: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the suit in O.S.No.230 of 2010 pending before the III Additional District Munsif Court, Coimbatore and transfer the same to be tried jointly along with O.S.No.99 of 2009, pending on the file of the I Additional Subordinate Court, Coimbatore.

Prayer in Tr.CMP.No.684 of 2013: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the suit in O.S.No.2095 of 2010 pending before the Principal District Munsif Court, Coimbatore and transfer the same to be tried jointly along with O.S.No.99 of 2009, pending on the file of the I Additional Subordinate Court, Coimbatore.

For Petitioners: Mr.C.R.Prasanan

For Respondents: Mr.K.Radhakrishnan [for R1 & R2]
No Appearance [for R3 & R4]

COMMON ORDER

The petitioners filed these two transfer petitions to withdraw the suit in O.S.No.230 of 2010 from the file of the III

Additional District Munsif Court, Coimbatore [Tr.CMP.No.683 of 2013] and the suit in O.S.No.2095 of 2010 from the file of the learned Principal District Munsif Court, Coimbatore, [Tr.CMP.No.684 of 2013] and transfer both the suits to the Court of First Additional Subordinate Judge, Coimbatore, to be tried along with O.S.No.99 of 2009.

2. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondents 1 & 2.

3. The suit in O.S.No.230 of 2010 was filed by the petitioner against the respondents before the III Additional District Munsif Court, Coimbatore. The suit is one for injunction. The respondents 1 to 3 and others filed a suit in O.S.No.99 of 2009 before the I Additional Subordinate Court, Coimbatore, praying for a decree of partition. The petitioners are parties to the suits.

4. The respondents 1 to 3 filed another suit in O.S.No.2095 of 2010 before the learned Principal District Munsif Court, Coimbatore, praying for a decree of injunction and mandatory injunction.

5. The suits are all pending before the concerned Courts.

6. It is the contention of the petitioners that in view of the common issues involved in all these matters, it would be in the interest of parties for a joint of all the suits by a particular Court.

7. The learned counsel for the respondents fairly submitted that he has no objection in transferring the suits to the Court of Subordinate Judge, Coimbatore.

8. The property involved in O.S.No.99 of 2009 is the subject matter in O.S.No.230 of 2010 and O.S.No.2095 of 2010. Therefore, I am of the view that it would be in the interest of all the parties to the litigation, to transfer the matters to a Court having jurisdiction.

9. In the result, the civil suits in O.S.No.230 of 2010 and O.S.No.2095 of 2010 are transferred from the file of the learned III Additional District Munsif Court, Coimbatore and Principal District Munsif Court, Coimbatore respectively. The suits are transferred to the file of the I Additional Subordinate Court, Coimbatore, for disposal, along with O.S.No.99 of 2009.

These Transfer Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Munsif Court,
Coimbatore
 2. The III Additional District Munsif Court,
Coimbatore.
 3. The I Additional Subordinate Court,
Coimbatore.
- 2 ccs to Mr.C.R.Prasanan, Advocate, sr.51570
1 cc to Mr.K.Radhakrishnan, Advocate, sr.51565

Tr.CmP.Nos.683 & 684 of 2013
& MP.No.1 & 1 of 2013

bvr co
kra 23.09.2016

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