



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

TR.C.M.P(MD)No.207 of 2015

and

M.P(MD)No.1 of 2015

1. R.Karuppanan
2. U.Manickammal
3. V.Kanniammal

... Petitioners/Plaintiff

Vs.

1. A.Ponnathal
2. A.Velumani
3. The District Collector,
Dindigul District,
Dindigul.
- 4 The Tahsildar,
Vedasanthur Taluk,
Dindigul District

... Respondents/Defendants

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S.No.62 of 2015 pending on the file of the District Munsif, Vedasanathur and transfer the same to the Third Additional District and Sessions Court, Karur.

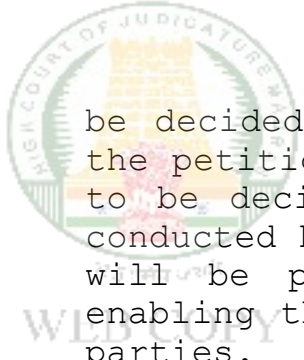
For Petitioners : Mr.J.Alaguram Jothi
For R1 & R2 : Mr.T.Pon Ramkumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed seeking to withdraw the suit in O.S.No.62 of 2015 pending on the file of the District Munsif, Vedasanathur and transfer the same to the III Additional District and Sessions Court, Karur.

2. The contention of the petitioners are that they have filed a suit in O.S.No.62 of 2015 before the District Munsif Court, Vedasanthur for declaration. The respondents 1 and 2 filed another suit in O.S.No.376 of 2010 before the learned Principal District and Session Judge, Karur, for claiming the award amount passed by the Motor Accident Claims Tribunal in M.C.O.P.No.424 of 1999.

3. The respective counsels appearing both for the petitioner and the respondent have not disputed with regard to the issues to



be decided by both the Courts separately. The main contention of the petitioners are that the issue regarding the legal-heirship is to be decided in both the suits and therefore, if the trial is conducted by two Courts, will result conflict of decisions, and it will be preferable to transfer both the cases to one Court, enabling the Court to decide the common issue raised by both the parties.

4. Considering the facts and circumstances of the case and with regard to the fact that the issues to be decided in both the suits are one and the same, this Court is of the view that the petition for transfer deserves to be considered. Accordingly, the transfer civil miscellaneous petition is allowed and the O.S.No.62 of 2015 pending before the District Munsif Court, Vendasandur is ordered to be transferred to the III Additional District and Sessions Court, Karur forthwith.

5. It is represented by the learned counsel for the respondent that one suit is of the year 2010 and another suit is of the year 2015 and therefore, a direction may be issued for early disposal of the suits. This Court is of the opinion that though a direction cannot be issued, the trial Court shall take up both the suits for joint trial and dispose of the same as early as possible, preferably within a period of nine months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
 2. The District Munsif Court, Vendasandur.
 3. The Third Additional District and Sessions Court,
Karur.
 - 4 The Tahsildar,
Vedasanthur Taluk,
Dindigul District
- +1 cc to M/S.J.ALAGURAMJOTHI, Advocate SR.No.64031

TR.C.M.P. (MD) No.207 of 2016
25.10.2016