



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :05.04.2016
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P (MD)No.331 of 2015
and

M.P (MD)No.1 of 2015

Nagarajan

.. Petitioner

Vs.

Raman

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in O.S.No.451 of 2014, on the file of the learned District Munsif-cum-Judicial Magistrate, Peraiyur and transfer to Sub Court, Madurai camp at Thirumangalam.

For Petitioner : Mr.P.Ganapathi Subramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.S.No.451 of 2014, on the file of the learned District Munsif-cum-Judicial Magistrate, Peraiyur and transfer to the file of the Sub Court, Madurai camp at Thirumangalam.

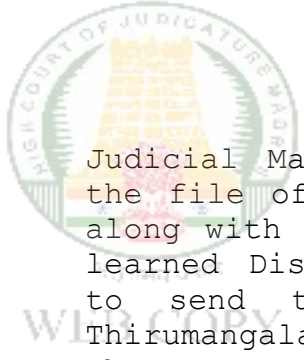
2.According to the petitioner, the respondent filed O.S.No.453 of 2013, on the file of the District Munsif, Thirumangalam and now transferred to the file of District Munsif-cum-Judicial Magistrate, Peraiyur and re-numbered as O.S.No.451 of 2014. The said suit was filed by the respondent, for permanent injunction on the ground that he purchased the property from one Saravanan, brother of the petitioner. One Padmavathi, who is the sister of the petitioner, filed the suit in O.S.No.660 of 2013, on the file of the Sub Court, Madurai, Camp at Thirumangalam for partition of the properties including the suit property in O.S.451 of 2014, on the file of the District Munsif, Thirumangalam. The petitioner is seeking transfer on the ground that the partition suit is comprehensive suit, which includes suit property in O.S.No.451 of 2014 filed by the respondent.

3.Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

4.Considering the fact that the O.S.No.660 of 2013 filed by the sister of the petitioner for partition the properties includes the suit property in O.S.No.451 of 2014. The respondent is also 14th defendant in the partition suit. The parties are one and the same and in order to avoid conflicting decisions with regard to the same property and in the interest of justice, the Transfer Civil Miscellaneous Petition is ordered.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.S.No.451 of 2014, on the file of the District Munsif-Cum-



Judicial Magistrate, Peraiyur, is hereby withdrawn and transferred to the file of the Sub Court, Madurai Camp at Thirumangalam, to be tried along with O.S.No.660 of 2013, if the same is not yet disposed of. The learned District Munsif-cum-Judicial Magistrate, Peraiyur, is directed to send the case bundles to the Sub Court, Madurai Camp at Thirumangalam, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(W)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The District Munsif-cum-Judicial Magistrate, Peraiyur.

2.The Subordinate Judge, Madurai camp at Thirumangalam.

Copy to

The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.P.Ganapathi Subramanian, Advocate in SR.No.19103

TR.C.M.P (MD) No.331 of 2015

05.04.2016

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