



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P. (MD) .No.454 of 2016

1.A.Viswanathan

2.A.Saravanan

.. Petitioners

Vs.

1.R.Radhika Devi

2.S.Sujith, S/o.R.Radhika Devi,

(Represented through his natural guardian 1<sup>st</sup> respondent)

3.Latha

4.Hemamalini

5.A.Murugesan

6.Sivabalsingh

.. Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the suit O.S.No.150 of 2015 pending on the file of District Munsif Court, Virudhunagar and O.S.No.944 of 2012 pending on the file of Principal Sub-Court, Madurai and transfer both suits to the file of I Additioanl District Court, Madurai to try the same along with the suit O.S.No.42 of 2015 pending on the file of I Additional District Court, Madurai.

For Petitioner : Mr.S.Ramesh

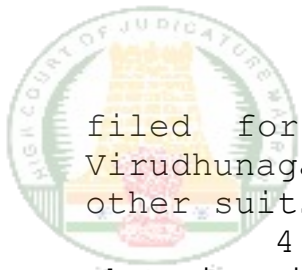
For Respondents : Mr.Babu Rajendran

### O R D E R

The present Transfer petition is filed seeking transfer both suits in O.S.No.150 of 2015 pending on the file of District Munsif Court, Virudhunagar and O.S.No.944 of 2012 pending on the file of Principal Sub-Court, Madurai to the file of I Additioanl District Court, Madurai to try the same along with the suit O.S.No.42 of 2015 pending on the file of I Additional District Court, Madurai.

2. The respective counsel for both parties are heard.

3. The contention of the petitioner is that the respondents 1 and 2 filed the suit in O.S.No.944 of 2012 before the Principal Sub Court, Madurai for relief of partition of the suit scheduled properties. Another suit was also filed in O.S.No.42 of 2015 and the same is pending on the file of the I Additional District Court, Madurai and the said suit was also filed for partition. When the suits for partition are pending at Madurai, O.S.No.150 of 2015 alone was filed before the District Munsif Court, Virudhunagar and therefore, the transfer petition is



filed for transfer the suit in O.S.No.150 of 2015 to the Virudhunagar Court, to the court at Madurai to be tried along with other suits pending before Madurai.

4. The learned counsel for the respondent fairly conceded that it will be convenient for the parties to have a joint trial in respect of three suits if it is transferred to the court at Madurai. If it is transferred to the Court at Madurai it will be convenient to both parties to appear and to conduct the case before the court at Madurai.

5. In view of the respective submissions made by the learned counsel for the petitioner and the learned counsel for the respondent this Court is inclined to consider the petition for transfer.

8. In the result, this petition is allowed with the following directions:

**i. The learned District Munsif, Virudhunagar District is directed to transmit the records in respect of O.S.No.150 of 2015 to the file of the I Additional District Court, Madurai, and the learned Principal Sub Judge, Madurai is directed to transmit the records in O.S.No.944 of 2012 to the file of the I Additional District Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.**

**ii. The learned I Additional District Judge, Madurai, is directed to try both suits in O.S.No. 150 of 2015 and O.S.No.944 of 2012 along with O.S.No.42 of 2015 in joint trial and dispose of the same.**

No costs.

9. The learned counsel for the petitioner and the learned counsel for the respondent would submit that the first suit was filed in the year 2012 and four years have lapsed. In view of the said submission, this Court is inclined to direct I Additional District Court, Madurai dispose of the cases as expeditiously as possible.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

- 1.The District Munsif, Virudhunagar District.
- 2.The Principal Subordinate Judge, Madurai.
- 3.The I Additional District Judge, Madurai.

+3cc to Mr.V.Raghavachari, Advocate SR.No.67852  
+1cc to Mr.Babu Rajendran, Advocate SR.No.67364  
sm:sks-rr:25/11/2016:2P/8C