



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR.CMP(MD)No.496 of 2016
& C.M.P(MD)No.9981 of 2016

C.Krishnan

... Petitioner/1st Defendant

Vs.

1.Madasamy

2.Saraswathi

3.Murugan

... Respondents 1 to 3/Plaintiffs

4.Lakshmi

... 4th Respondent/2nd Defendant

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw the case in O.S.No.99 of 2014 on the file of the learned Sub-Judge, Kovilpatti, Thoothukudi District and transfer the same to any other competent Court.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.D.Rajkumar for R1 to R3

:No Appearance for R4

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JUDGMENT

The first defendant in O.S.No. 99 of 2014 is before this Court to transfer the case in O.S.No.99 of 2014 on the file of the learned Sub-Judge, Kovilpatti, Thoothukudi District, filed by one Madasamy and three others against the petitioner and transfer the same to any other competent Court.

2. It is submitted by both the parties that in O.S.No.140 of 2013 filed by the petitioner against the fourth respondent and the said suit was decreed in favour of the petitioner by the learned Principal District Munsif, Kovilpatti, against which A.S.No.43 of 2015 was filed before the learned sub-Judge, Kovilpatti and by decree and judgment dated 08.09.2016, the Decree and Judgment of the trial Court was reversed against the petitioner.

3. The present suit in O.S.No.99 of 2014 filed by the respondents 1 to 3 herein is also pending before the Sub-Court, Kovilpatti, in view of the earlier judgment in A.S.No.43 of 2015 in which the parties are almost the same, the petitioner seeks the matter to be transferred to some other Court.



4. Heard the learned counsel for the petitioner and the learned Counsel appearing for the respondents 1 to 3 and perused the materials available on record. None appeared for the fourth respondent.

5. The facts are not disputed. Since recently the very same Court passed the judgment in A.S.No.43 of 2015 in favour of the fourth respondent and against the petitioner, it is appropriate to transfer the case in O.S.No.99 of 2014 which was filed for partition by the respondents 1 to 3 against the petitioner and the fourth respondent, this Court is inclined to transfer the case in O.S.No.99 of 2014 on the file of the learned Sub-Judge, Kovilpatti, Thoothukudi District, to the file of the Sub-Court, Tuticorin, and the Sub-Court, Tuticorin, is directed to dispose of the same as per law.

6. With the above directions, this petition is allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The learned Subordinate Judge,
Kovilpatti,
Thoothukudi.

2. The Subordinate Judge ,
Tuticorin.

+One cc to Mr.S.Muthal raj, Advocate, SR.No.79786

gsr
RL/4C/2P/SKS/RR/23.12.2016

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