



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2016

CORAM :

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.176 of 2013

Basker, S/o.Bangarusamy ... Petitioner/Appellant

Vs.

1.Rengasamy ...1st Respondent/1st Respondent
2.Ramaraj,
S/o.Narayanasamy Reddiar ...2nd Respondent/2nd Respondent

Prayer : Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer C.M.A.No.54 of 2012 from the file of I Additional District Court, Trichy, to the file of this Court to be heard along with C.R.P.(MD) No.1485 of 2012 pending before this Court.

For Petitioner : Mr.S.Vinayak

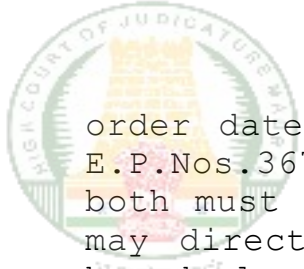
For R1 : Mr.V.Singan

For R2 : No Appearance

ORDER

This petition has been filed to withdraw and transfer C.M.A.No.54 of 2012 from the file of I Additional District Court, Trichy, to the file of this Court to be heard along with C.R.P.(MD) No.1485 of 2012.

2. According to the petitioner, by order dated 12.12.2011, in E.A.Nos.355 and 356 of 2011 in E.P.Nos.367 of 1995 in O.S.No.756 of 1989, the Execution Court allowed E.A.No.355 of 2011 and set aside the auction sale and allowed E.A.No.356 of 2011, permitting the 1st respondent to deposit the decretal amount. Against the order passed in E.A.Nos.355 and 356 of 2011, dated 12.12.2011, the petitioner filed C.M.A.No.54 of 2012 before the I Additional District Court, Trichy and C.R.P.(MD) No.1485 of 2012 before this Court respectively.



order dated 12.12.2011, passed in E.A.Nos.355 and 356 of 2011 in E.P.Nos.367 of 1995 in O.S.No.756 of 1989. In the circumstances, both must be heard together and this Court, being a higher forum, may direct transfer of C.M.A.No.54 of 2012 to this Court to be heard along with C.R.P.(MD) No.1485 of 2012.

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4. Learned counsel for the first respondent submitted that the issue involved in the civil revision petition and the civil miscellaneous appeal are different and therefore, both need not be heard together. E.A.No.355 of 2011 filed under Order 21 Rule 90 of C.P.C. and E.A.No.356 of 2011 filed under Order 34 Rule 5 C.P.C. and the learned counsel for the petitioner mainly argued the matter on merits.

5. I have heard the learned counsel appearing for the parties.

6. From the materials, it is seen that both the civil revision petition and the civil miscellaneous appeal arising out of the order dated 12.12.2011, passed in E.A.Nos.355 and 356 of 2011 in E.P.No.367 of 1995 in O.S.No.756 of 1989. The issue in the civil revision petition and the civil miscellaneous appeal are different, but they are interlinked. In the circumstances, for convenience of both parties and to avoid conflicting decisions, both C.M.A.No.54 of 2012 pending on the file of the I Additional District Court, Trichy, and C.R.P.(MD) No.1485 of 2012, pending on the file of this Court, are to be tried together by a same Court.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered and C.M.A.No.54 of 2012 on the file of the I Additional District Court, Trichy, is hereby withdrawn and transferred to the file of this Court. The learned I Additional District Judge, Trichy, is directed to send the case bundles in C.M.A.No.54 of 2012 to this Court, immediately, to be tried along with C.R.P.(MD) No.1485 of 2012. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

The I Additional District Judge, Trichy.

Copy to :

1. The Section Officer,
Judicial Department,
Madurai Bench of Madras High Court, Madurai

<https://hcservices.ecourts.gov.in/hcservices/>
(For posting CRP.(MD).No.1485 of 2012 along with
CMA.No.54 of 2012)



2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Jayaprakash Narayan, Advocate, Sr.No.17685

+1cc to Mr.V.Singan, Advocate, Sr.No.17480

smn2

JM/GSV-PM/SAR-I/26.04.2016/3P-6C

Tr.C.M.P. (MD) No.176 of 2013
29.03.2016