

Appln No.5955/2016 in A.S.No.353 of 2013**N.Sathish Kumar, J.,**

No representation for the petitioners/plaintiffs.

Learned counsel appearing for the 3rd respondent by filing counter would submit that the trial of the suit in O.S.No.309 of 2010 on the file of the Subordinate Judge, Erode has been commenced and it is posted for cross-examination of defendant's witness.

2.The suit sought to be transferred from the Sub Court, Erode in O.S.No.309/2010 is in the stage of cross examining the defendant's witnesses. Since the reliefs (c) to (e) sought for in both the suits are identical in nature, the proceedings in C.S.No.353 of 2013 on the file of this Court has been stayed for a limited period. Hence, this Court is of the view that this suit can be stayed till the disposal of the original suit pending on the file of the Subordinate Judge, Erode in O.S.No.309/2010.

3. The suit in O.S.No.309 of 2010 on the file of the Sub-Court, Erode, is posted for cross examination defence witness and whereas in the suit filed before this Court pleadings are not ready. Therefore, this Court is of the view that transfer of the suit which is almost nearly completion of the evidence is not necessary.

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4. Accordingly, petition filed to withdraw the suit on the file of the Subordinate Court, Erode and transfer it to the file of this Court to be tried along with C.S.No.353 of 2010 is hereby dismissed.

10.01.2017

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