

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.649 of 2014

and

M.P.No.1 of 2014

A.Senthilkumar

...

Petitioner

Versus

1. J.Kandasamy

2. R.Rathinavelu

3. A.Senthilnathan

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the O.S.No.198 of 2013, on the file of I Additional District Court, Erode to be tried and decided along with suit in O.S.No.221 of 2013, on the file of II Additional District Court, Erode.

For Petitioner : Mr. R.Poornima

For Respondent : Mr.K. Senthilkumaran (R2)
Mr.V.S.Rajaram (R3)
R1-served

ORDER

This petition is filed by the petitioner seeking to withdraw the suit in O.S.No.198 of 2013, on the file of I Additional District Court, Erode and transfer the same to the file of II Additional District Court, Erode to be tried and decided along with the suit in O.S.No.221 of 2013.

2. In the affidavit filed in support of this petition, it has been stated that the petitioner has filed a suit in O.S.No.221 of 2013, on the file of II Additional District Judge, Erode, against the respondents herein seeking for declaration and for division of the property. The third respondent herein has initiated another suit in O.S.No.198 of 2013, on the file of the I Additional District Judge, Erode against, seeking for specific performance and for consequential relief.

3. The learned counsel for the petitioner would submit that both the suits may be heard and decided by the same Court, as so to avoid conflicts of opinions, as it arises out the same cause of action. He therefore prays for transfer of O.S.No.198 of 2013, pending on the file of

I Additional District Court, Erode to the file of II Additional District Court, Erode, to be tried along with O.S.No.221 of 2013.

4. The learned counsel appearing for the respondents has no serious objection for allowing this petition.

5. Considering the facts and circumstances of the case and also in view of the no objection stated by the learned counsel for the respondents, this petition is allowed and the suit in O.S.No.198 of 2013 pending on the file of I Additional District Court, Erode is **withdrawn and is transferred to the file of the II Additional District Court, Erode.** The Court below is directed to transmit all the papers pertaining to the above petition immediately to the II Additional District Court, Erode, after receipt of a copy of this order.

सत्यमेव जयते

10.10.2017

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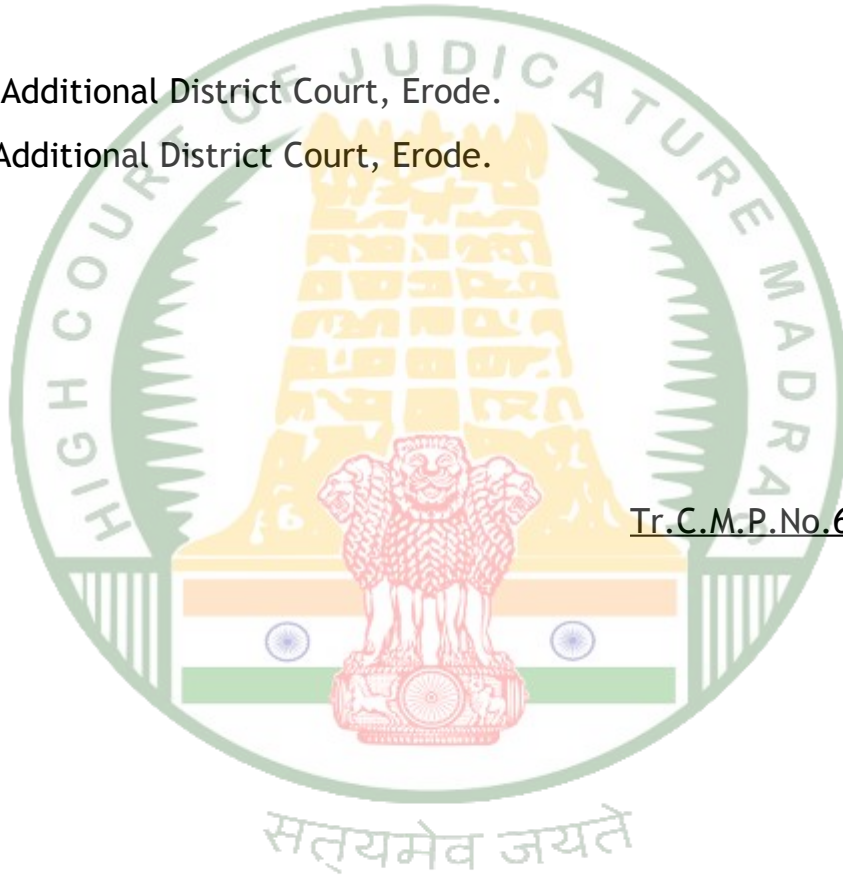
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PUSHPA SATHYANARAYANA, J.

arr

To

1. The II Additional District Court, Erode.
2. The I Additional District Court, Erode.



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10.10.2017