

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.702 and 703 of 2014

and

M.P.Nos.1,1 of 2014

Hajee Mohammed Haneefa ... Petitioner
in both the Tr.C.M.P.s
Versus

1.Jaibunnisa
2.Mumtaj Begum
3.Hajiammal
4.Barkathunnisa
5.Haj Mohammed
6.Mohammed Ansari ... Respondents in
Tr.C.M.P.No.702 of 2014

1.Barkathunnisa
2.Jaibunnisa
3.Mumtaj Begum
4.Hajiammal
5.Mohammed Ansari
6.The Sub Registrar,
Mangalampettai ... Respondents in
Tr.C.M.P.No.703 of 2014

Common Prayer: Petitions filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.100 of 2013 and O.S.No.221 of 2013 respectively pending before the Principal District Munsif's Court, Ulundurpet and transfer it to the Additional Sub Court, Virudhachalam to be tried along with O.S.No.124 of 2010 on its file.

For Petitioner : Ms.Nilapher for M/s.R.Meenal
in both Tr.C.M.Ps
For Respondents : served - No appearance
in both Tr.C.M.Ps

O R D E R

The petitioner in the above transfer petitions is the father of the respondents, who is the first defendant in all the Suits. O.S.No.124 of 2010 was filed by the son of the petitioner on the file of the Additional Sub Court, Virudhachalam for partition of 2/8th share in the suit properties and the plaintiff in

O.S.No.221 of 2013 is the third defendant in O.S.No.124 of 2010.

2. O.S.No.100 of 2013 on the file of Principal District Munsif, Ulundurpet is filed by the Jaibunnisa, who is the daughter of the petitioner and the suit is filed for injunction not to encumber or alienate in the suit properties.

3 O.S.No.221 of 2013 on the file of Principal District Munsif Court, Ulunthurpet is filed by Barkathunnisa, who is another daughter of the Petitioner. This suit is also filed for partition of 1/8th share in the suit properties.

4. All the above three suits, the parties and the properties are substantially same. As the suit in O.S.No.124 of 2010 is more comprehensive pending before the Additional Sub Court, Vridhachalam, it would be appropriate to transfer the other two suits, namely, O.S.No.100 of 2013 pending on the file of the District Munsif Court, Ulundurpet and O.S.No.221 of 2013 pending on the file of the Principal District Munsif Court, Ulundurpet to be tried along with O.S.No.124 of 2010. If the suits are allowed to be proceeded with independently, they may lead to conflict of decisions as the parties and properties are the same. Hence, in the interest of justice, it would be appropriate to transfer the O.S.No.100 of 2013 on the file of District Munsif Court, Ulundurpet and O.S.No.221 of 2013 on the file of the Principal District Munsif Court to the file of the Additional Sub Court, Viruthachalam to be tried along with O.S.No.221 of 2010, which is already pending there.

5. Accordingly, these Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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सत्यमेव जयते

Sub Assistant Registrar

srn/mfa

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To

1. The Principal District Munsif's Court, Ulundurpet.

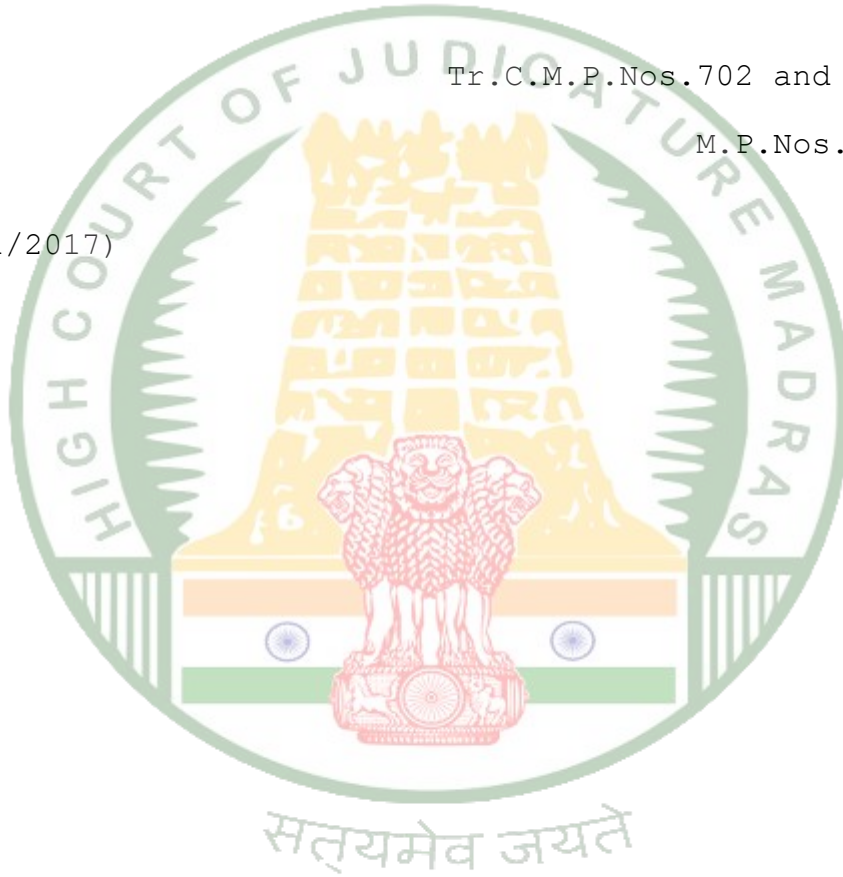
2.The Additional Sub Court, Vridhachalam.

3. The Additional Sub Court, Vridhachalam.

+2 C.C. to M/S.R.MEENAL Advocate SR.NO. 74088, 74087

Tr.C.M.P.Nos.702 and 703 of 2014
and
M.P.Nos.1,1 of 2014

SS(CO)
T.R (10/11/2017)



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