

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.794 of 2014

and M.P.No.1 of 2014

S. Balasubramanian

... Petitioner

Versus

1. N. Mariappan
2. M. Gunasekaran
3. M. Easwaramoorthy
4. R.M. Mathivanan
5. G. Swaminathan

... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.2919 of 2006 on the file of II Additional District Munsif Court, Coimbatore and transfer the same to the file of III Additional District Munsif Court, Coimbatore to be tried along with O.S.No.254 of 2000.

For Petitioner : Mr.Dhalalapathy Vignesh Kumar
for Mr.M.Sriram

For Respondents 1 to 3 : Ms.E.K.Kumaresan

For Respondent 4 : No appearance

For Respondent 5 : Sd-No appearance

ORDER

This transfer petition has been filed by the petitioner, who was the defendant in O.S.No.2919 of 2006, on the file of the II Additional District Munsif, Coimbatore, seeking to withdraw O.S.No.2919 of 2006 and transfer the same to the file of III Additional District Munsif, Coimbatore, to be tried along with O.S.No.254 of 2000.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. Admittedly, the property involved in both the suits are the same and the parties are also same. The suit in O.S.No.254 of 2000 is filed for permanent injunction restraining the defendants 1 and 2 and their men or agent from interfering with the right of the plaintiff to draw water from the well situated in the suit land, and the prayer in O.S.No.2919 of 2006 is for permanent injunction and mandatory injunction.

4. The learned counsel for the respondents has got no serious objection for the transfer, as the transfer is only from the II Additional District Munsif, Coimbatore to III Additional District Munsif, Coimbatore, in view of the other suit pending.

5. The parties in both the suits are one and the same. The relief claimed in the suits are interlinked. The ends of justice would be made if both the suits are tried together. Hence, the subsequent suit in O.S.No.2919 of 2006 is transferred from the file of II Additional District Munsif Court, Coimbatore to the file of III Additional District Munsif Court to be tried along with O.S.No.254 of 2000 to avoid any conflict in decision.

6. Hence, the transfer petition is allowed as prayed for. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

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Sub-Assistant Registrar

rsi/raja

To

WEB COPY

1. The II Additional District Munsif, Coimbatore

2. The III Additional District Munsif, Coimbatore

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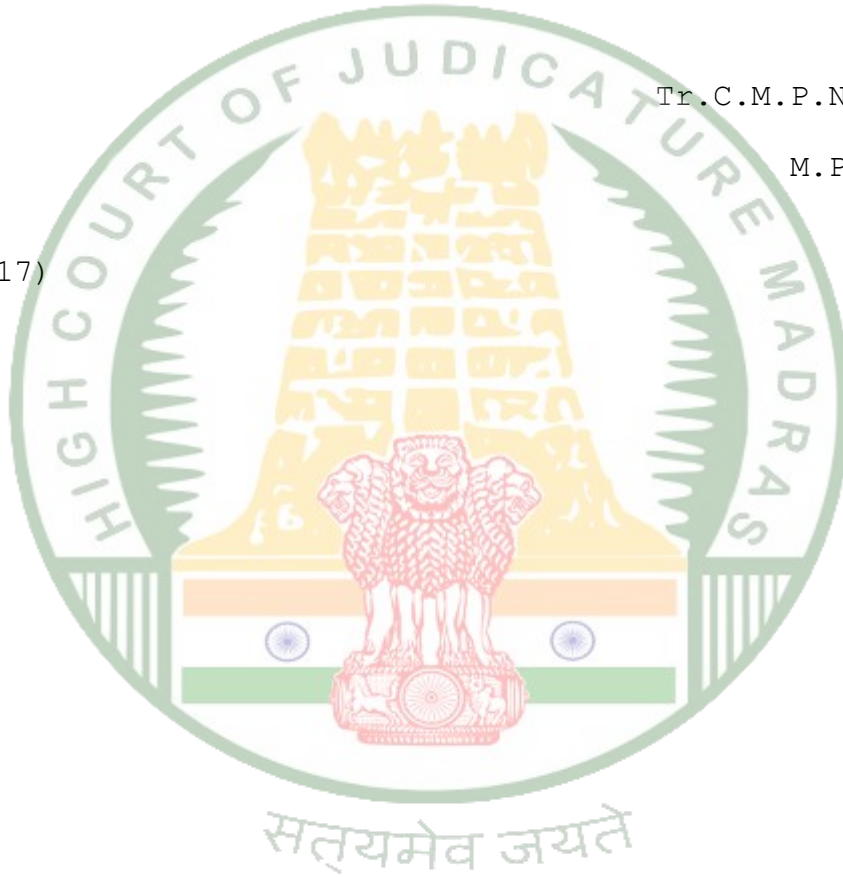
The Section Officer,
VR Section, High Court, Madras-104.

+1 CC to Ms.E.K.Kumaresan, Advocate Sr.No.73194

+1 CC to Mr.M.Sriram, Advocate Sr.No.73814

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SV(CO)
KP(13.11.2017)



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