

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:23.11.2017
CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.832 of 2017
and
C.M.P.No.17422 of 2017

1.K.R.Chandrasekaran
2.K.R.Venkatesan
3.K.R.Purushothaman
4.K.Raghavendra Rao
5.D.Bharathkumar

... Petitioners

Versus

1. S.Paranthaman
2. S.P.Sri Devi

... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the original suit in O.S.No.83 of 2017 presently pending on the file of the Subordinate Court, Ponneri to the file of Principal District Court, Tiruvallur for being tried together with the Testamentary Original Petition No.161 of 2017.

For Petitioner : Mr.CPG Yoganand
For Respondents : Mr.R.Krishnaswamy

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the suit pending in O.S.No.83 of 2017, on the file of Subordinate Court, Ponneri and transfer the same to the file of Principal District Court, Tiruvallur, for being tried together with the Testamentary Original Petition No.161 of 2017.

2. The petitioner herein filed Testamentary Original Petition No.161 of 2017, on the file of Principal District Court, Tiruvallur and the respondent herein filed O.S.No.83 of 2007 on the file of Subordinate Court, Ponneri.

3. In both the proceedings, the property is one and the same as the petitioners in Testamentary Original Petition are claiming under the Will alleged to have been executed by one Ramachandra Naidu. The Plaintiff in the suit have purchased the

property from the legal heirs of the said Ramachandra Naidu. Hence the matter revolves around the Will which caused necessity to combine both O.P. and O.S. to try commonly.

4. The learned counsel appearing for the respondent has agreed that O.S.No.83 of 2017, pending on the file of Ponneri Court may be transferred to Principal District Court, Tiruvallur to be tried along with testamentary Original Petition No.161 of 2017.

5. Considering the convenience of the parties and to avoid conflicting decisions, this Court feels it appropriate to withdraw and transfer O.S.No.83 of 2017, from the file of Subordinate Court, Ponneri to the file of Principal District Court, Tiruvallur.

6. Accordingly, the proceedings in O.S.No.83 of 2017 is withdrawn and transferred to the file of Principal District Court, Tiruvallur, to try along with Testamentary Original Petition No.161 of 2017. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Ponneri.
2. The Principal District Judge, Tiruvallur.

+1cc to Mr.CPG.Yoganand, Advocate Sr.No.83449/17

BR(CO)
sm:19.12.2017

सत्यमेव जयते Tr.C.M.P.No.832 of 2017

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