

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.951 of 2017
and C.M.P.No.19044 of 2017

L.Ravikrishnan

.. Petitioner

-Vs-

1. D.Mariappan
2. S.Padmavathi
3. S.Suresh
4. D.Devi
5. P.Saravanan
6. The Repco Bank

Red Hills Branch,
Rep by its Branch Manager,
Having Office at Repco Towers,
33, North Usman Road,
T.Nagar, Chennai 17

.. Respondents

Prayer: Petition filed under Section 24 of Civil Procedure Code praying to order of withdrawal and transfer of the suits in O.S.No.127 of 2010 on the file of the Sub Court, Ponneri to Principal District Judge, Tiruvallur to be tried along with the suit in O.S.No.22 of 2007 on the file of the Principal District Judge, Tiruvallur.

For petitioner Mr.R.Karunakaran

O R D E R

The transfer petition is filed by the petitioner seeking transfer of two suits, namely, O.S.No.127 of 2010 and O.S.No.65 of 2009 pending before the Sub Judge, Ponneri to the Principal Sub Judge, Tiruvallur to be tried along with O.S.No.22 of 2007, which is already pending before the District Judge, Tiruvallur.

2. On a perusal of the records, it is seen that O.S.No.22 of 2007 was decreed long back and the execution petition was also filed. Pursuant to the execution proceedings, sale deed was also executed through Court. Even at the relevant time, the suit filed by the petitioner in O.S.No.127 of 2010 was pending. It is also seen that in an order passed by this Court in C.R.P (Pd)No.3320 of 2010 dated 30.09.2010, there was a specific direction that the suits in O.S.No.127 of 2010 and O.S.No.65 of

2009, pending on the file of the Sub Court, Ponneri have to be clubbed together and tried. It is also further specified in the said order of this Court that the order passed by the Executing Court in E.A.No.43 of 2009 filed by the petitioner shall not be a bar to agitate the petitioner's rights in those two suits.

3. Learned counsel for the petitioner contended that as the other suit i.e. O.S.No.22 of 2007 was tried by a District Court and E.A. was also decided by the District Court, it would be prejudicial for the petitioner, if the proceedings are continued in the Sub Court. But, as stated supra, the order passed in C.R.P(Pd).No.3320 of 2010, specifically states that there is no impediment for the petitioner to agitate his rights in the above suits in spite of the order passed in EA.No.43 of 2009. Therefore, the apprehension of the petitioner, cannot be entertained. Hence, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srn

To

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

+1cc to Mr.R.KARUNAGARAN Advocate, S.R.No. 83782

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TR(11/12/2017)

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