

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.351 of 2015, 614, 615 of 2014, 631, 652 and 635 of 2014
(6 Tr.C.M.P.'s)
and
M.P.Nos.1, 1,1 of 2014 and 1 of 2015

Tr.C.M.P.No.351 of 2015

Subhramanyam

...

Petitioner

Versus

- 1.Valli
- 2.Nagarajan
- 3.Prakash
- 4.Poongothai
- 5.Sakunthala
- 6.Malarkodi
- 7.Selvi
- 8.Parvathi
- 9.Manikandan
- 10.Meena
- 11.Priya
- 12.Archana
- 13.Velmurugan
- 14.The District Collector
Cuddalore District.
- 15.The District Revenue Officer,
Cuddalore District.
- 16.The District Revenue Officer,
Coimbatore District.

17. The Tahsildhar
Coimbatore South

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.142 of 2013, pending in the Court of Additional District Munsif at Thittagudi and transfer the same to the District Munsif at Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Hema Sampath
Senior counsel
for Mrs.R.Meenal (R1 to R3)
No appearance (R5, R7 to R9, R11,R12
R14 and R15)
Not ready in notice (R4,R6,R10,R13,
R16 and R17)

Tr.C.M.P.No.614 of 2014

K.S.Subramaniyan

...

Petitioner

Vs

1.Valli
2.S.Nagarajan
3.Velmurugan
4.S.Prakash

5.Poongothai
 6.Sakunthala
 7.Malarkodi
 8.Selvi
 9.Parvathi
 10.Meena
 11.Manikandan
 12.Priya
 13.Archana

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Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.135 of 2002, pending in the Court of Additional District Munsif cum Judicial Magistrate Court at Thittakudi and transfer the same to the District Munsif's Court at Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : No appearance (R5, 7 to 13)
 Not ready in notice (R1 to R4 and R6)

Tr.C.M.P.No.615 of 2014

K.S.Subhramaniyan

सत्यमेव जयते...
 Vs

Petitioner

1. Vasantha

2. Subbarayan

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.105 of 2014, pending in the Court of District Munsif Cum Judicial Magistrate Court at Thittakudi and transfer the same

to District Munsif's Court at Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Hema Sampath
Senior Counsel
For Mrs.R.Meenal

Tr.C.M.P.No.631 of 2014

K.S.Subhramaniyan ... Petitioner

Vs

1. Valli

2. Sundaram ... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.210 of 2012, pending on the file of Additional Subordinate Judge, Virudhachalam and transfer the same to the Court of Additional Subordinate Judge at Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Hema Sampath
Senior Counsel
For Mrs.R.Meenal (R1)
Not ready in notice (R2)

Tr.C.M.P.No.652 of 2014

K.S.Subhramaniyan

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Petitioner

Vs

1.S.Velmurugan

2.S.Nagarajan

3.S.Prakash

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.246 of 2008, pending on the file of District Munsif, Tittagudi and transfer the same to the Court of District Munsif, Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Hema Sampath
Senior Counsel
For Mrs.R.Meenal (R1 to R3)

Tr.C.M.P.No.635 of 2014

1. Minor T.S.Sahana

2.Minor T.S.Survesh @ Sarveshvar

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Petitioners

Vs

1.S.Velmurugan

2.S.Nagarajan

3.S.Prakash

4.A.Subburayan

...

Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.254 of 2008, pending on the file of District Munsif, Tittagudi and transfer the same to the Court of District Munsif, Coimbatore.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Hema Sampath
Senior Counsel
For Mrs.R.Meenal

COMMON ORDER

Since, the issue involved in all these petitions are one and the same, they are heard together and disposed of by a common order.

2. Tr.C.M.P.Nos.614 and 615 of 2014, 635 of 2014, 652 of 2014 and 351 of 2015 have been filed seeking to withdraw O.S.Nos.135 of 2002, 105 of 2014, 254 of 2008 and 246 of 2008 and 142 of 2013 from the file of District Munsif, Tittakudi and transfer the same to the file of District Munsif, Coimbatore.

3.Tr.C.M.P.No.631 of 2014 has been filed to withdraw O.S.No.210 of 2012, from the file of Additional Subordinate Judge, Virudhachalam and transfer the same to the file of Additional Subordinate Judge, Coimbatore.

3.Heard both sides.

4. The suits in O.S.Nos.135 of 2002, 105 of 2014, 254 of 2008 and 246 of 2008 and 142 of 2013 are filed by the respondents and are pending on the file of District Munsif, Tittakudi and suit in O.S.No.210 of 2012, is filed by the respondent and pending on the file of Additional Subordinate Judge, Virudhachalam.

5. In the affidavit filed in support of these petitions, it is stated in paragraph 3 that the respondents and their counsel abused the petitioner physically and assaulted him, stating that he should not prosecute the case. Further, criminal complaints have been lodged in that regard. It is further stated that the respondents are applying the third degree methods to coerce the petitioner to abandon the prosecution of their rights before a Court of law. It is further stated the petitioner is a

resident of the Coimbatore, therefore he sought for transfer of the above suits to District Munsif Coimbatore (in Tr.C.M.P.Nos. 614 and 615 of 2014, 635 of 2014, 652 of 2014 and 351 of 2015) and Additional Subordinate Judge, Coimbatore (in Tr.C.M.P.No.631 of 2014).

6. The respondents are also staying in Tittakudi, Cuddalore District. Therefore, it was vehemently opposed by the learned Senior Counsel appearing for the respondents that it would be unfair to transfer all the cases to Coimbatore as all the parties who should be examined in the suits would be serious prejudiced.

7. As all the suits are interlinked and the parties are also same, this Court feels that it would be appropriate to transfer all the suits pending on the file of District Munsif, Tittakudi to Subordinate Court, Virudhachalam to try along with O.S.No.210 of 2012. However, it is made clear that on such transfer, the suits shall be tried jointly. As the suits are of the years 2002, 2008, 2012 and 2014, the parties appearing on both sides are directed to co-operate for the early disposal of the same.

8. With the above directions, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.11.2017

arr/vv

To

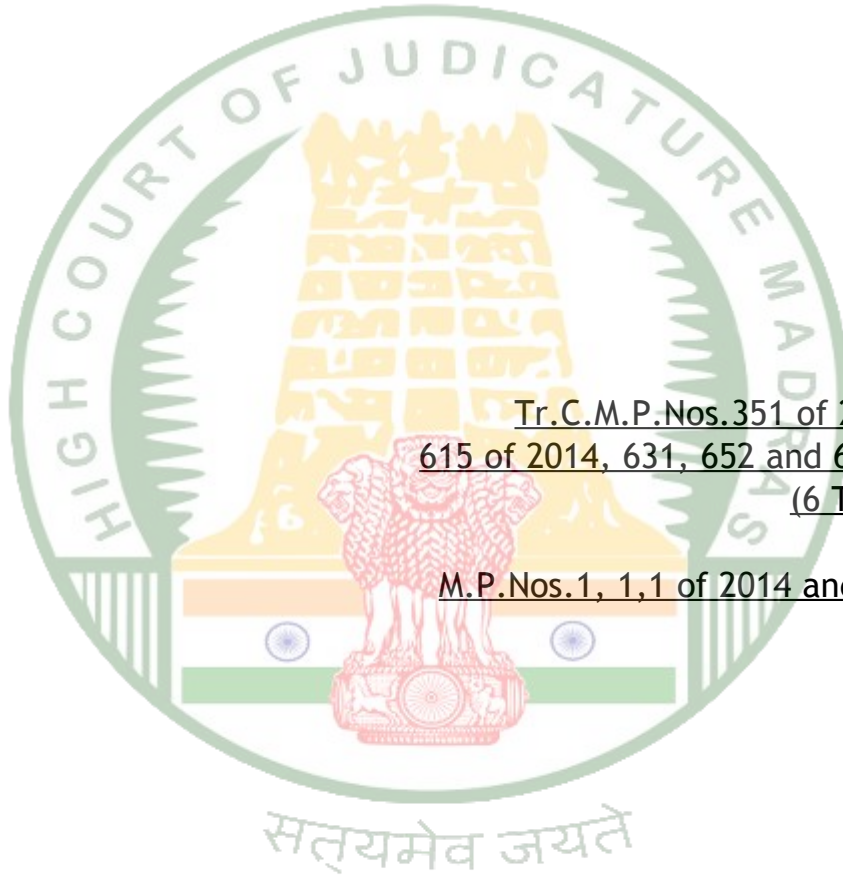
1. The Court of Additional District Munsif,
Thittagudi.
2. The Subordinate Court,
Virudhachalam.
3. The Additional Subordinate Judge,
Virudhachalam.



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PUSHPA SATHYANARAYANA, J

arr/vv



Tr.C.M.P.Nos.351 of 2015, 614,
615 of 2014, 631, 652 and 635 of 2014
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