

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.81 of 2015

and

M.P.No.1 of 2015

1. H.Easwaran

2. E.Saroja

...Petitioners

-VS-

1. E.Hariharan

2. Geetha Hariharan

Both represented by their Power Agent

N.Ramabadharan

...Respondents

Petition filed under Section 24 of the Civil Procedure Code praying to order withdrawal and transfer of the suit in O.S.No.3 of 2013 pending on the file of the Subordinate Court Judge, Kanchipuram to the City Civil Court at Chennai to be tried along with O.S.No.No.5752 of 2013 pending on the file of the III Assistant Judge, City Civil Court, Chennai.

For Petitioners

: Mr.S.Kanniah

For Respondents

: Served-No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the

<http://www.judis.nic.in> petitioners seeking to transfer the suit in O.S.No.3 of 2013 pending

on the file of the Sub Court, Kancheepuram to the file of the III Assistant City Civil Court, Chennai to be tried along with O.S.No.5752 of 2013.

2. O.S.No.3 of 2013 and O.S.No.5752 of 2013 are filed by the respondents herein seeking declaration that the registered sale deeds executed by the first defendant in favour of the second defendant, as null and void and for permanent injunction. O.S.No.5752 of 2013 is pending before the III Assistant Judge, City Civil Court, Chennai whereas O.S.No.3 of 2013 is pending before the Sub Court, Kancheepuram.

3. In the affidavit filed in support of the petition, it is stated that the first petitioner is a senior citizen, who is aged about 70 years and he is not keeping good health and unable to travel from Chennai to Kancheepuram, whereas the respondents are residing in U.S.A and are being represented by Power of Agent, who is residing in Chennai. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. As the parties in both suits are the same and they are closely related to each other and considering the age of the petitioners herein, this Court is inclined to transfer the suit in O.S.No.3 of 2013 pending on the file of the Sub Court, Kanchipuram to the file of the III Assistant City Civil Court, Chennai to be tried along with O.S.No.5752 of 2013.

6. Accordingly, the Tr.C.M.P is allowed and O.S.No.3 of 2013 pending on the file of the Sub Court, Kancheepuram shall stand withdrawn and transferred to the file of the III Assistant City Civil Court, Chennai to be tried along with O.S.No.5752 of 2013. No costs. Consequently, connected miscellaneous petition is closed.

24.11.2017

srn

To

1. The Sub Judge, Kanchipuram
2. The III Assistant Judge,
City Civil Court, Chennai

PUSHPA SATHYANARAYANA .J

SRN



Tr.C.M.P.No.81 of 2015
and M.P.No.1 of 2015

WEB COPY

24.11.2017