

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.592 of 2013
AND MP NO.1 of 2013

M.Varadarajan

... Petitioner

versus

1. M.Gangadaran
2. Mrs.K.Usharani
3. Smt. Mahalakshmi
4. Smt. Revathi
5. G.Ramesh

... Respondents

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of the O.S.No. 240 of 2007 pending before the II Additional Judge, Fast Track Court, Poonamallee and transfer the same to the file of the Principal District and Sessions Court at Tiruvallur, where the suit in O.S.No. 276 of 2007 pending, to be tried simultaneously with O.S.No. 276 of 2007.

For Petitioner

:

Mr.R.Munusamy

For Respondents R3 to R5

:

Mr.C.Balaji

For Respondents R1-R2

:

Mr. P.Rajendra Kumar

ORDER

The Transfer Civil Miscellaneous petition is filed by the petitioner to transfer the suit filed by him in O.S.No. 240 of 2007 on the file of II Additional, Fast Track Court, Poonamallee to the file of

the Principal District and Session Court, Tiruvallur where the suit in O.S.No. 276 of 2007 filed by the respondent 3 to 5 herein is pending and to be tried along with O.S.No. 276 of 2007.

2. The petitioner herein has filed the suit for specific performance in O.S.No. 240 of 2007 before the said Court and the respondents 3 to 5 have filed the suit for partition before the said Court in O.S.No. 276 of 2007. Both the Courts have jurisdiction to try the subject matter, as suit property is one and the same in the both suits. Therefore, this court of the considered opinion that O.S.No. 240 of 2007 shall be tried along with O.S.No. 276 of 2007. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.S.No. 240 of 2007 pending on the file of II Additional, Fast Track Court, Poonamallee, is transferred to the file of Principal District Court, Thiruvallur to be tried along with O.S.No. 276 of 2007.

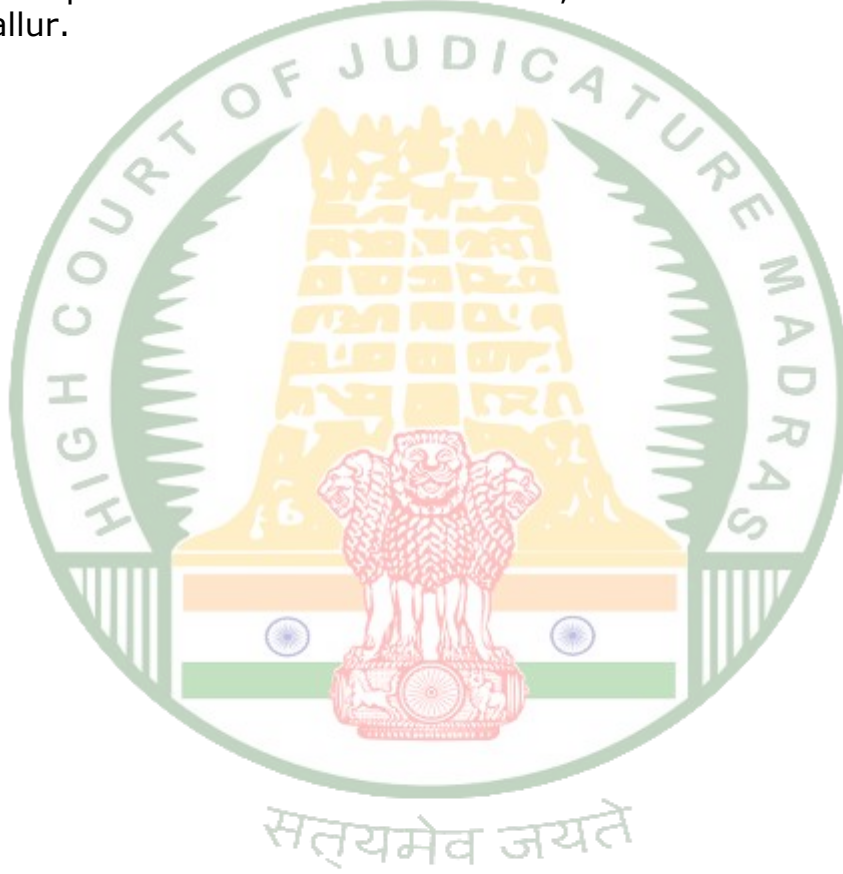
3. The Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.09.2017

Index : Yes/No
Internet : Yes/No
bsm

To

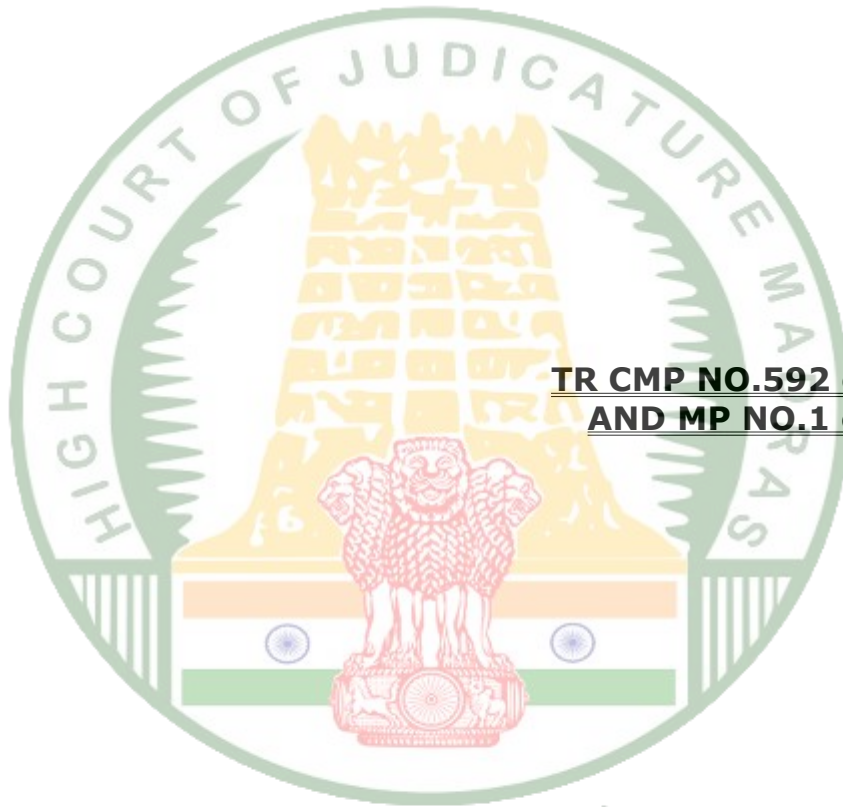
- 1) The II Additional Judge,
Fast Track Court,Poonamallee .
- 2) The Principal District and Sessions Court,
Tiruvallur.



WEB COPY

M.GOVINDARAJ, J.

bsm



TR CMP NO.592 of 2013
AND MP NO.1 of 2013

सत्यमेव जयते

WEB COPY

07.09.2017