

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.334 of 2016
and
C.M.P.No.9112 of 2016

C.Kanchana

... Petitioner

-vs-

1.V.B.Viswanathan

2.B.Loganathan

3.L.Samyuktha

4.L.Devatha

5.G.Murugesan

6.The Tahsildar
Coimbatore South Taluk,
Coimbatore - 641 018.

7.The Sub Registrar,
Thondamuthur,
Coimbatore 641 018.

8.The District Collector,
Coimbatore - 641 018.

9.Vijayan

10.Sakthivel

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer O.S.No.262 of 2010, on the file of I Additional District Munsiff court, Coimbatore, O.S.No.425 of 2010, on the file of the Principal District Munsiff court, Coimbatore, O.S.No.933 of 2010 on the file of Principal District Munsiff Court, Coimbatore, O.S.No.1310 of 2010 on the file of Principal District Munsiff Court, Coimbatore to be tried along with O.S.No.368 of 2010 on the file of the I Additional Subordinate Court, Coimbatore.

For petitioner : Ms.P.T.Asha
for M/s.Sarvabhauman Associates

For R1 and R2 : Not ready in notice

For R3 & R4 : Mr.A.Suresh

For R5,6,8 to 10 : No appearance

O R D E R

This transfer Civil Miscellaneous petition has been filed seeking transfer of O.S.No.262 of 2010 on the file of the I Additional District Munsif Court, Coimbatore, O.S.No.425 of 2010 on the file of the Principal District Munsif Court, Coimbatore, O.S.No.933 of 2010 on the file of the Principal District Munsif Court, Coimbatore, O.S.No.1310 of 2010 on the file of the Principal District Court, Coimbatore, all to the file of the I Additional Sub Court, Coimbatore to be tried along with O.S.No.368 of 2010.

2. The petitioner is the plaintiff in O.S.No.262 of 2010, O.S.No.425 of 2010 and O.S.No.1310 of 2010, which are pending before the I Additional District Munsif Court, Coimbatore, Principal District Munsif, Coimbatore and the Principal District Munsif, Coimbatore, respectively.

3. O.S.No.933 of 2010 on the file of the Principal District Munsif Court, Coimbatore is filed by the fifth respondent herein against the petitioner for the relief of permanent injunction. There is another suit in O.S.No.368 of 2010 pending on the file of the I Additional Sub Court, Coimbatore filed by the respondents 3 and 4 herein, which is the comprehensive suit for the reliefs of partition, declaration and injunction. Now, the transfer is sought for withdrawal of O.S.No.262 of 2010, O.S.No.425 of 2010, O.S.No.933 of 2010 and O.S.No.1310 of 2010 and transfer them to the file of the I Additional Sub Court, Coimbatore, where the said comprehensive suit in O.S.No.368 of 2010 is pending.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents 3 and 4.

5. The learned counsel appearing for the respondents 3 and 4 has got no serious objection for transferring the said suits.

6. The respondents 5, 6, 8, 9 and 10 were served with

notice. But, they have not been represented through counsel.

7. As all the suits are only within the jurisdiction of Coimbatore, but in different Courts, no prejudice would be caused to any of the parties by clubbing all the suits together. Admittedly, the parties in all the above suits and also the properties in all the suits, are substantially the same. Therefore, it would be appropriate to transfer O.S.No.262 of 2010, O.S.No.425 of 2010, O.S.No.933 of 2010 and O.S.No.1310 of 2010 to the I Additional Sub Court, Coimbatore to be tried along with O.S.No.368 of 2010.

8. Accordingly, the Transfer Civil Miscellaneous petition is allowed and O.S.No.262 of 2010 pending on the file of the I Additional District Munsif Court, Coimbatore, O.S.No.425 of 2010 pending on the file of the Principal District Munsif Court, Coimbatore, O.S.No.933 of 2010 on the file of the Principal District Munsif Court, Coimbatore, O.S.No.1310 of 2010 on the file of the Principal District Court, Coimbatore, all shall stand withdrawn and transferred to the file of the I Additional Sub Court, Coimbatore to be tried along with O.S.No.368 of 2010. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1.The I Additional District Munsif court,
Coimbatore.

2.The Principal District Munsif court,
Coimbatore

3.The I Additional Subordinate Court,
Coimbatore.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.75369
+1cc to Mr.A.Suresh, Advocate, S.R.No.75242

Tr.C.M.P.No.334 of 2016
and
C.M.P.No.9112 of 2016

AR IV
CA(16/11/2017)