

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.816 of 2016

and

CMP. No.20416 of 2016

1. Palaniammal

2. Elaiyaraja

... Petitioners

Vs

1. Varadhammal

2. Natesan

3. The State of Tamilnadu,
Represented by Deputy Director,
Department of Horticulture,
Teachers Colony, Erode.

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw O.S.No.87 of 2016 pending on the file of Principal District Munsif Court at Erode and transfer the same to the file of District Munsif Court at Tiruchengode to be tried along with O.S.No.23 of 2016.

For Petitioners : Mr.T.L.Thirumalaisamy

For Respondents : No appearance

O R D E R

The petitioners herein have filed a suit in O.S.No.23 of 2016 on the file of the District Munsif Court, Tiruchengode for declaration that they are the legal heirs of one deceased Rajamanickam and to direct the defendants to issue legal heirship certificate of the deceased Rajamanickam. The respondents 1 and 2 have also filed a suit in O.S.No.87 of 2016 on the file of the District Munsif, Erode against the petitioners herein and also the third respondent herein for the relief of permanent injunction restraining the first defendant from disbursing the terminal and other benefits payable for the death of the deceased Rajamanickam to the respondents 1 and 2.

2. It is stated that the respondents herein had filed the suit in Erode because of the fact that the deceased Rajamanickam was employed as an Office Assistant in the Office of the Assistant Director of Horticulture, Erode. Admittedly, the petitioners herein as well as the respondents 1 and 2 are living in Tiruchengode. Hence, the petitioners are seeking transfer of O.S.No.87 of 2016 on the file of the District Munsif Court, Erode to the District Munsif Court, Tiruchengode to be tried along with other suit in O.S.No.23 of 2016.

3. Heard the learned counsel for the petitioners. Despite service of notice to the respondents, they have neither appeared in person nor through counsel.

4. As the reliefs sought for in both the suits are similar in nature and the dispute is only between both the parties, it would be appropriate to transfer the suit from Erode to Thiruchengode for the convenience of the parties and also to avoid conflict of decisions.

5. Accordingly, the Tr.C.M.P is allowed and O.S.No.87 of 2016 pending on the file of the Principal District Munsif Court, Erode shall stand withdrawn and transferred to the file of the District Munsif Court, Tiruchengode to be tried along with O.S.No.23 of 2016. No costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

srn

To

- 1.The District Munsif Judge, Tiruchengode.
- 2.The District Munsif Judge, Erode.

+1 CC to Mr.T.L.Thirumalaisamy, Advocate sr 74120.

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SP(07/11/2017)