

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.830 of 2016
and C.M.P.No.20546 of 2016

M.Shanmugasundaram ..Petitioner/Plaintiff

Vs.

1. D.Pandiyaraj
2. M.Yayashree
3. S.Manohar

...Respondents/Defendants

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer of the Original Suit in OS.No.85 of 2013 on the file of the Court of District Judge, Tiruppur to the Court of District Judge, Coimbatore.

For Petitioner : Mr.P.Ulaganathan

For RR 2 & 3 : V.Jaya Chandran & Associates

For 1st Respondent : No Appearance

O R D E R

The petitioner has filed the present transfer petition to transfer OS.No.85 of 2013 pending on the file of the District Court, Tiruppur to the District Court, Coimbatore.

2. The petitioner filed the said suit against the respondent for permanent injunction in the District Court, Tiruppur and he also filed another suit in OS No.127 of 2006 for the very same subject matter of the property in the District Court, Coimbatore against the respondents for specific performance of the agreement of sale deed, dated 31.08.2005. According to the petitioner, in both the suits, the parties and property are one and the same.

3. Learned counsel for the respondents submitted that the respondents have no objection to transfer the case as sought for by the petitioner and prayed for speedy disposal of the suit and he has also made an endorsement to that effect.

4. Recording the no objection given by the learned counsel for the respondents, without deciding the issue on merits, the suit in OS.No.85 of 2013 is ordered to be withdrawn from the file of the District Court, Tiruppur and

transferred to the file of the District Court, Coimbatore, to be tried along with another Suit in OS.No.127 of 2016. The learned District Judge, Tiruppur is directed to transmit all the records pertaining to the suit in OS.No.85 of 2013 to the file of the District Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. Both the said suits shall be disposed of by the learned District Judge, Coimbatore, on merits and in accordance with law, within a period of six months from the date of receipt of records in OS.No.85 of 2013.

5. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jv
To

1 The District Judge,
Tiruppur.

2. The District Judge,
Coimbatore.

+ 1 cc to Mr.P.Ulaganthan, Advocate SR.41981
+ 1 cc to Mr.V. Jayachandran, Advocate Sr.42046

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LRS (CO)
EU 29.06.17

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