

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.12912 and 12913 of 2001
and C.M.P.No.12914 of 2001
and C.M.P.Nos.17623 to 17625 of 2003

N. Sekhar@Gnanasekhar ... Petitioner in Tr.C.M.P.
No.12912/2001

1. N. Krishnamoorthi
2. N. Nagaraj
3. N. Sekhar
4. N. Nandagopal
5. N. Lakshmikanthamma
6. N. Chandramma
7. N. Gowramma
8. N. Jayalakshmiamma
9. N. Leelamma

... Petitioners in Tr.C.M.P.
No.12913/2001

versus

1. Chandrakandamma
2. Mangalagowramma
3. Neelavathi
4. Jayalakshmi
5. Krishnamoorthi
6. M. Nagaraj
- (RR 1 to 6 given up
since they remained ex-parte)
7. T. Gnanamoorthi
8. M.O.Mohammaed
9. Thiayagi @ K.Lakshmaiya
10. Balasubramaniam

... Respondents in Tr.C.M.P.
No.12912/2001

T. Gnanamoorthi ... Respondent in Tr.C.M.P.
No.12913/2001

Prayer in Tr.C.M.P.No.12912 of 2001: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw the appeal A.S.No.54/2000 pending on the file of the District Court, Dharmapuri at Krishnagiri and transfer the same to the file of this Hon'ble Court to be heard along with A.S.No.691/2001.

Prayer in Tr.C.M.P.No.12913 of 2001: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw the appeal A.S.No.53/2000 pending on the file of the District Court, Dharmapuri at Krishnagiri and transfer the same to the file of this Hon'ble Court to be heard along with A.S.No.691/2001.

In both Tr.C.M.Ps.

For Petitioner : Ms.Zeenath Begum

In Tr.C.M.P.No.12912/2001

Respondent 1 to 6 : Given up
For Respondent 7 : Mrs.S.Umamaheswari
Respondent 8 : Dismissed vide order dt 26.11.2012.
For Respondent 9 : Sd-No appearance
Respondent 10 : Died

In Tr.C.M.P.No.12912/2001

Respondent : Mr.V.Nicholas

COMMON ORDER

The petitioner in Tr.C.M.P.No.12912 of 2001 had filed a suit in O.S.No.136 of 1996 on the file of the Sub Court Hosur for partition and he has also filed a suit in O.S.No.152 of 1997 before the same Court for partition. There was also another suit in O.S.No.56 of 1996 filed by the respondent in Tr.C.M.P.No.12913 of 2001 on the file of the Sub Court, Hosur for specific performance.

2. All the three suits were tried in common and a common judgment was delivered on 31.07.2000. Thereafter, A.S.No.691 of 2001 was filed before this Court and A.S.No.54 of 2000 was filed on the file of the District Court, Dharmapuri by the petitioner in Tr.C.M.P.No.12912 of 2001. Against O.S.No.56 of 1996, A.S.No.53 of 2000 was filed by the petitioners in Tr.C.M.P.No.12913/2001 before the District Court, Dharmapuri. Hence, these transfer Civil Miscellaneous Petitions are filed for transferring A.S.No.54 of 2000 and A.S.No.53 of 2000 pending on the file of the District Court, Dharmapuri to this Court to be tried along with A.S.No.691 of 2001.

3. Heard both parties.

4. The transfer petitions were filed in the year 2001 and the same are pending. Learned counsel appearing for the respondents produced a copy of the judgments in A.S.No.53 of 2000 and A.S.No.54 of 2000 on the file of the Additional District Court, Hosur, Dharmapuri, which show that both the appeals were dismissed on 16.10.2014 for non-prosecution. Learned counsel for the petitioner is not able to say whether any restoration application has been filed.

5. As there are no appeals pending and the same are disposed of, the prayer in the transfer petitions have become infructuous. Accordingly, Tr.C.M.Ps are dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srn
To

The District Judge,
Dharmapuri,
Krishnagiri District.

+1cc to Mr.V.NICHOLAS Advocate, S.R.No. 81964

Tr.C.M.P.Nos.12912 and 12913 of 2001
and C.M.P.No.12914 of 2001
and C.M.P.Nos.17623 to 17625 of 2003

RJ (CO)
TR(08/12/2017)

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