

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 15.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

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Tr.C.M.P(MD)Nos.237, 238, 239 and 240 of 2014
and
M.P(MD)Nos.1, 1, 1 and 1 of 2014

Tr.C.M.P(MD)No.237 of 2014:

S.Venkatesan

... Petitioner/Plaintiff

Vs.

1.N.Chandravelu

2.M.Manoharan

3.G.Annadurai

4.D.Karthick

... Respondents/Defendants

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.105 of 2012 on the file of the Principal Sub Court, Thanjavur and transfer the same to the file of the District Court, Karur, to be heard along with O.S.No.2 of 2012 on the file of the District Court, Karur.

For Petitioner : Mr.I.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

For Respondents : Mr.E.K.Kumaresan for R.1

Mr.R.Maheswaran for R.2

Mr.K.K.Ramakrishnan for R.3

Mr.P.Sesubalan Raja for R.4

Tr.C.M.P(MD)No.238 of 2014:

S.Venkatesan

... Petitioner

Vs.

G.Annadurai

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.300 of 2011 on the file of the Principal Sub Court, Thanjavur and transfer the same to the file of the District Court, Karur, to be heard along with O.S.No.2 of 2012 on the file of the District Court, Karur.



For Petitioner

: Mr.I.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

For Respondent

: Mr.K.K.Ramakrishnan

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Tr.C.M.P(MD)No.239 of 2014:

S.Annadurai

... Petitioner/Defendant

Vs.

N.Chandaravelu

... Respondent/Plaintiff

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.118 of 2011 on the file of the Additional Sub Court, Thanjavur and transfer the same to the file of the District Court, Karur, to be heard along with O.S.No.2 of 2012 on the file of the District Court, Karur.

For Petitioner

: Mr.I.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

For Respondent

: Mr.E.K.Kumaresan

Tr.C.M.P(MD)No.240 of 2014:

S.Annadurai

... Petitioner/Plaintiff

Vs.

1.N.Chandaravelu

2.M.Manoharan

... Respondents/Defendants

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.327 of 2011 on the file of the Additional Sub Court, Thanjavur and transfer the same to the file of the District Court, Karur, to be heard along with O.S.No.2 of 2012 on the file of the District Court, Karur.

For Petitioner

: Mr.I.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

For Respondents

: Mr.E.K.Kumaresan



COMMON ORDER

The petitioner in Tr.C.M.P(MD)No.237 of 2014, namely, **S.Venkatesan**, is the plaintiff in O.S.No.105 of 2012 on the file of the Principal Sub Court, Thanjavur, filed against one N.Chandaravelu and 3 others, and the defendant in O.S.No.2 of 2012 on the file of the District Court, Karur, filed by one S.Indiramurthy and therefore, he seeks to transfer the suit in O.S.No.105 of 2012 on the file of the Principal Sub Court, Thanjavur to the file of District Court, Karur, to try along with the suit in O.S.No.2 of 2012 on the file of the District Court, Karur.

2. The petitioner in Tr.C.M.P(MD)No.238 of 2014, namely, **S.Venkatesan**, is the defendant in O.S.No.300 of 2011 on the file of the Principal Sub Court, Thanjavur, filed by one G.Annadurai and in O.S.No.2 of 2012 on the file of the District Court, Karur, filed by one S.Indiramurthy and therefore, he seeks to transfer the suit in O.S.No.300 of 2011 on the file of the Principal Sub Court, Thanjavur to the file of District Court, Karur, to try along with the suit in O.S.No.2 of 2012 on the file of the District Court, Karur.

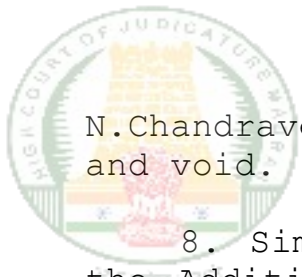
3. The petitioner in Tr.C.M.P(MD)No.239 of 2014, namely, **S.Annadurai**, is the defendant in O.S.No.118 of 2011 on the file of the Additional Sub Court, Thanjavur, filed by one N.Chandaravelu and he seeks to transfer the said suit to the file of District Court, Karur, to try along with the suit in O.S.No.2 of 2012 on the file of the District Court, Karur, filed by one S.Indiramurthy.

4. The petitioner in Tr.C.M.P(MD)No.240 of 2014, namely, **S.Annadurai**, is the plaintiff in O.S.No.327 of 2011 on the file of the Additional Sub Court, Thanjavur, filed against one N.Chandaravelu and another and he seeks to transfer the said suit to the file of District Court, Karur, to try along with the suit in O.S.No.2 of 2012 on the file of the District Court, Karur, filed by one S.Indiramurthy.

5. Heard the learned Counsel for the petitioners in all the petitions and the respective learned Counsel for the respondents.

6. A perusal of the records would show that it is nothing but abuse of process of law. Further, a close scrutiny of the records would show that O.S.No.2 of 2012 on the file of the District Court, Karur, has been filed by one S.Indiramurthy against S.Venkatesan, the petitioner in Tr.C.M.P(MD)Nos.237 and 238 of 2014, for recovery of money to the tune of Rs.16,90,250/- (Rupees Sixteen Lakhs Ninety Thousand Two Hundred and Fifty only).

7. Whereas the suit in O.S.No.105 of 2012 on the file of the Principal Sub Court, Thanjavur, has been filed by S.Venkatesan, the petitioner in Tr.C.M.P(MD)Nos.237 and 238 of 2014, against one



N.Chandravelu and 3 others, for declaration of sale deeds as null and void.

8. Similarly, the suit in O.S.No.118 of 2011 on the file of the Additional Sub Court, Thanjavur, has been filed by the said N.Chandravelu against one S.Annadurai, the petitioner in Tr.C.M.P (MD)Nos.239 and 240 of 2014 seeking the relief of declaration, recovery of possession and for mesne profits.

9. However, O.S.No.300 of 2011 on the file of the Principal Sub Court, Thanjavur, has been filed by one G.Annadurai, against S.Venkatesan, the petitioner in Tr.C.M.P(MD)Nos.237 and 238 of 2014, seeking the relief of permanent prohibitive injunction.

10. Further, the suit in O.S.No.327 of 2011 on the file of the Additional Sub Court, Thanjavur, has been filed by one S.Annadurai, the petitioner in Tr.C.M.P(MD)Nos.239 and 240 of 2014, against the said N.Chandravelu and another, for declaration of a sale deed as null and void and for consequential relief of injunction.

11. From the above, it is clear that the suit in O.S.No.2 of 2012 is a suit for recovery of money filed by the said S.Indiramurthy against S.Venkatesan, the petitioner in Tr.C.M.P (MD)Nos.237 and 238 of 2014 and the other suits are relating to the properties which are situated in Thanjavur District.

12. Moreover, the plaintiff in O.S.No.2 of 2012 on the file of the Principal District Court, Karur, namely, S.Indiramurthy, is not a party in all the other suits and therefore, Tr.C.M.P(MD) Nos.237 and 238 of 2014 filed by S.Venkatesan, are liable to be dismissed and accordingly, they are dismissed.

13. Similarly, the petitioner in Tr.C.M.P(MD)Nos.239 and 240 of 2014, namely, S.Annadurai, is not even a party in O.S.No.2 of 2012 on the file of the Principal District Court, Karur, which was filed by S.Indiramurthy for recovery of money against S.Venkatesan, the petitioner in Tr.C.M.P(MD)Nos.237 and 238 of 2014. The other suits, viz., O.S.Nos.118 of 2011, 300 of 2011, 327 of 2011 and 105 of 2012 are all related to the properties situated in Thanjavur District and they have been filed for declaration and injunction and therefore, those suits as well as the suit properties therein have got nothing to do with the suit in O.S.No.2 of 2012 on the file of the Principal District Court, Karur and hence, Tr.C.M.P(MD)Nos.239 and 240 of 2014 are liable to be dismissed and accordingly, they are dismissed.

14. Though heavy costs have to be slapped on the petitioners ~~because of process of Court to transfer unrelated cases to a Court outside Thanjavur District and to prolong the matters,~~ taking a lenient view, this Court is not awarding any costs on the



petitioners. Accordingly, there shall be no order as to costs in all the petitions. Consequently, all the connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

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Sub Assistant Registrar

To

1.The Principal District Judge, Karur.

2.The Principal Subordinate Judge, Thanjavur.

3.The Additional Subordinate Judge, Thanjavur.

+1 cc to M/s.K.K.Ramakrishnan, Advocate in SR.No. 8749

+1 cc to M/s.G.Prabhu Rajadurai, Advocate in SR.No. 8586

+1 cc to M/s.E.K.Kumaresan, Advocate in SR.No. 9032

rsb

CSL/BS/28.02.2017 : 5P/7C

Tr.C.M.P(MD)Nos.237, 238, 239 and 240 of 2014

and

M.P(MD)Nos.1, 1, 1 and 1 of 2014

15.02.2017