



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

Tr.C.M.P(MD)No.543 of 2016

and

C.M.P(MD)Nos.11475 and 11711 of 2016

1.S.Jegadeesan

2.M/s.V.V.Minerals,
represented through it
Partner S.Jegadeesan,
Keeraikaranthattu,
Mahadevan Kulam Post,
Thisaiyanvilai Gramam,
Radhapuram Taluk,
Tirunelveli District.

... Petitioners

Vs.

1. S.Pradeep Kumar
A.Saraswathi Ammal (died)
2. J.Rajendran
3. S.Lakshmi
4. A.Vijayakumar
5. J.Natesan
6. J.Balasubramanian
7. S.Gnana Jyothi
8. Ravikumar

9. T.Selvam,
Proprietor,
CSC Computer Software,
At No.129, South Car Street,
Sivakasi 626 123

10.Premier Suppliers Private Limited,
Represented by its Managing Director,
Having Office at
No.69, Sivan Mada Sannathi,
Sivakasi-626 123.

11.M/s.Lakshmi Roadways,
Having its business at
No.121, Badrakali Amman Kovil Street,
Sivakasi-626 123.

12. P.Geetha

<https://hcservices.ecourts.gov.in/hcservices/>

13.R.Senthil Vinayagam

14.M.Anusuya Devi



15.M/s.Harish Paper Company,
Represented by its Proprietor,
Carrying on its business at
No.2, Muniyandi Kovil Street,
Manjanakara Street,
Madurai-625 001.

16.The Tamilnadu Mercantile Bank Limited,
Represented by its Manager,
Madurai Main Branch,
East Avani Moola Street,
Madurai-625 001.

17.M/s.Jothi Paper Stores,
Represented by its Proprietrix
S.Gnanajothi,
Carrying on its business at
No.1,Muniyandi Kovil Street,
Manjanakara Street,
Madurai-625 001.

18.M.Viswanathan

19.V.Baskaran

20.V.Dhanasekar

21.V.Shanmugapriya

22.K.Duraisamy Nadar

... Respondents

Petition filed under Section 24 of the Code of Civil Procedure 1908, to withdraw the case in O.S.No.190 of 2014 on the file of District Munsif Court, Virudhunagar and transfer the same to VI Additional District Court, Madurai to be tried either jointly or simultaneously along with O.S.No.219 of 2015 which is pending on the file of VI Additional District Court, Madurai.

For Petitioner

:Mr.K.Karthick

For Respondents 1&12

:Mr.C.Jeya Prakash

For Respondents 2,3,7

8,9,10,11,13,14,15,17,21&22

:No appearance

For 4th Respondent

:Mr.N.Subramanian

For 5th Respondent

:Mr.K.Guhan

For 6th Respondent

:Mr.S.Deenadhayalan

For 16th Respondent

:Mr.G.Radha Krishnan

For Respondents

18 to 20

:Mrs.P.Jessi Jeeva Priya

ORDER

The petitioners seek transfer of O.S.No.190 of 2014 which is pending on the file of the District Munsif Court, Virudhunagar to the file of the VI Additional District Court, Madurai to be tried along with O.S.No.219 of 2015.



2.The facts are not in dispute. It appears that there are issues which are common in both the suits. Further, the 21st respondent in the transfer petition, namely, V.Shanmugapriya, is the 21st defendant in O.S.No.219 of 2015, pending on the file of this VI Additional District Court, Madurai. The summons have not been served to her but it is stated that she has died.

3.This Court is of the view that no prejudice would be caused by the transfer of the suit in O.S.No.190 of 2014 from the file of the District Munsif Court, Virudhunagar to the file of VI Additional District Court, Madurai to be tried along with in O.S.No.219 of 2015.

4.Considering the reasons assigned in the affidavit filed in support of this petition, the suit in O.S.No.190 of 2014 which is pending on the file of the District Munsif Court, Virudhunagar is withdrawn and transferred to the file of the VI Additional District Judge, Madurai to be tried along with in O.S.No.219 of 2015. It is needless to mention that whether both the suits are to be tried either jointly or simultaneously will be decided by the District Judge depending on the issues that have been framed on the suits. The learned VI Additional District Munsif Court, Virudhunagar is directed to transmit the papers in O.S.No.190 of 2014 within a period of two weeks from the date of receipt of a copy of this order.

5.Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, C.M.P(MD)Nos.11475 and 11711 of 2016 are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Munsif, Virudhunagar.

2.The VI Additional District Judge, Madurai.

+1 CC to M/s.G.RADHAKRISHNAN, Advocate, SR No. 51872

+1 CC to M/s. S.SUBBIAH, Advocate, SR No. 52124

+1 CC to M/s.G.NEWTONRAJ, Advocate, SR No. 51823

+1 CC to M/s.S.DEENADHAYALA, Advocate, SR No. 51833

VSG/RMI

PSM/RR/25.04.2017/3P/7C

Tr.C.M.P(MD)No.543 of 2016

12.04.2017