

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.Nos.1011, 1012 & 1013 of 2017
and C.M.P.Nos.20681 to 20683 of 2017

Tr.C.M.P.No.1011 of 2017

G.Karunanidhi ...Petitioner /1st Defendants

Versus

1. K.K.Gayathri ... R1/Plaintiffs
2. R.G.Suresh
3. The Sub Registrar
Sub Registrar's Office,
Tambaram, Chennai ... RR2 to 4/D2 to D4
4. The District Collector,
Kancheepuram District,
Kancheepuram ... Respondents

Prayer: Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, praying to withdraw the O.S.No.204 of 2014 from the learned District Munsif Court at Tambaram and transfer the same to the learned City Civil Court at Chennai.

For Petitioner : Mr.P.Vijendran

For Respondents 1 & 2 : Mr.T.V.Vineethkumar

For Respondents 3 & 4 : Served - No Appearance

Tr.C.M.P.No.1012 of 2017

G.Karunanidhi ...Petitioner /Plaintiffs

Versus

1. K.K.Gayathri
2. R.G.Suresh ... Respondents/Defendants

Prayer: Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, praying to

withdraw the O.S.No.30 of 2016 from the learned District Munsif Court at Tambaram and transfer the same to the learned City Civil Court at Chennai.

For Petitioner : Mr.P.Vijendran
For Respondents : Mr.T.V.Vineethkumar

Tr.C.M.P.No.1013 of 2017

1. G.Karunanidhi
2. K.Rajesh ...Petitioners/Defendants

Versus

R.G.Rajesh ...Respondent/Plaintiff

Prayer: Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, praying to withdraw the O.S.No.140 of 2015 from the learned Subordinate Judge, Kancheepuram and transfer the same to the learned City Civil Court at Chennai.

For Petitioner : Mr.P.Vijendran
For Respondent : Mr.T.V.Vineethkumar

C O M M O N O R D E R

Tr.C.M.P.No.1011 of 2017 is filed seeking to withdraw the O.S.No.204 of 2014 on the file of the District Munsif Court, Tambaram and transfer the same to the City Civil Court at Chennai.

Tr.C.M.P.No.1012 of 2017 is filed seeking to withdraw the O.S.No.30 of 2016 on the file of the District Munsif Court, Tambaram and transfer the same to the City Civil Court at Chennai.

Tr.C.M.P.No.1013 of 2017 is filed seeking to withdraw the O.S.No.140 of 2015 on the file of the Subordinate Court, Kancheepuram and transfer the same to the City Civil Court at Chennai.

2. O.S.No.204 of 2014 on the file of the District Munsif Court, Tambaram is filed by the first respondent in Tr.C.M.P.Nos.1011 and 1012 of 2017 seeking for declaration and injunction.

O.S.No.30 of 2016 on the file the District Munsif, Tambaram is filed by the petitioner in Tr.C.M.P.Nos.1011 and 1012 of 2017 who is also the first petitioner in Tr.C.M.P.No.1013 of 2017 seeking for declaration and injunction.

O.S.No.140 of 2015 on the file of the Subordinate Court, Kanchipuram is filed by the respondent in Tr.C.M.P.No.1013 of 2017 seeking for declaration and injunction.

3. There seems to be matrimonial proceedings pending between the petitioner, namely, G.Karunanidhi and his wife, namely, K.K.Gayathri in H.M.O.P.No.1817 of 2015 on the file of the Family Court, Chennai. The others suits as mentioned in the Tr.C.M.P.s are also between the same parties. It is stated that because of want of jurisdiction, the above said suits were filed in various Courts.

4. In the affidavit filed in support of the transfer petitions, the petitioners have alleged that the respondent-Gayathri had grabbed his properties by playing fraud and undue influence. In paragraph 7 of the affidavit filed in support of Tr.C.M.Ps, it is stated that the petitioner-Karunanidhi is about 69 years old and having several health issues. Due to the same, it is stated that he is unable to prosecute the proceedings at various Courts, though the dispute is between the same parties. Hence, the transfer is sought for in all these Tr.C.M.Ps.

5. Heard both the parties and perused the materials available on record.

6. Learned counsel appearing for the respondents has got no serious objection in allowing these petitions.

7. As both the parties are living in Chennai, it would be appropriate to transfer all the suits to any of the City Civil Courts at Chennai having jurisdiction.

8. Accordingly, these Transfer Civil Miscellaneous Petitions are allowed. O.S.No.204 of 2014 and O.S.No.30 of 2016 pending on the file of the District Munsif Court, Tambaram and O.S.No.140 of 2015 pending on the file of the Subordinate Court, Kanchipuram are ordered to be withdrawn and transferred to any one of the City Civil Courts at Chennai. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

srn

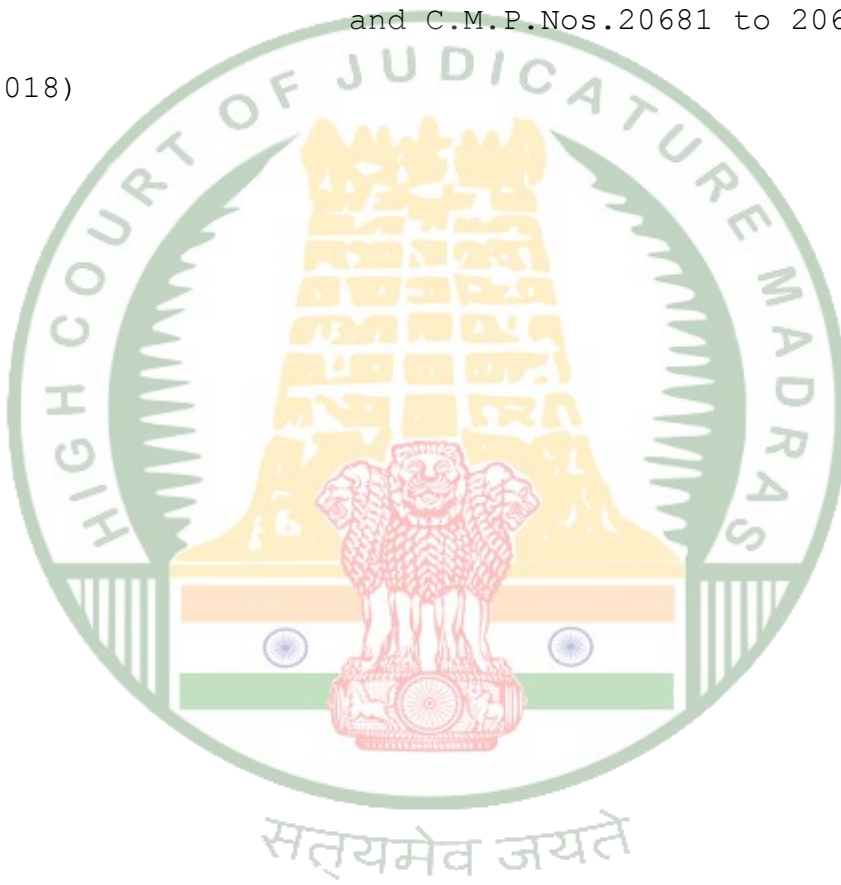
To

1. The District Munsif, Tambaram
2. The Subordinate Court, Kanchipuram
3. The City Civil Court, Chennai.

+3cc to Mr.P.Vijendran, Advocate SR.No.567 to 569

Tr.CMP.Nos.1011, 1012 & 1013 of 2017
and C.M.P.Nos.20681 to 20683 of 2017

RV(CO)
GN(30/01/2018)



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