

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.643 of 2014
and M.P.No.1 of 2014

D.Gunasundari

.. Petitioner

-Vs.-

1. S.Muthukrishnan
 2. M/s.Precot Meridian Limited,
"SUPREM"
"Elgi Towers", Green Field,
Coimbatore - 641 045
 3. M/s.Link Intime India Private Limited,
Surya 35, 2nd Floor,
Mayflower Avenue, Behind Senthil Nagar,
Sowripalayam Road,
Coimbatore - 641 028
- .. Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the of the Civil Procedure Code praying to withdraw the suit in O.S.No.1714 of 2010 on the file of the District Munsif Court, Coimbatore to the file of District Court at Tiruppur to be tried along with O.S.No.38 of 2010.
[Prayer amended vide order of Court dated 24.11.2017 made in C.M.P.No.20302 of 2017 in Tr.C.M.P.No.643 of 2014 by PSNJ]

For petitioner सत्यमेव जयते ... Mr.M.Sriram

For Respondent 1 ... Mr.K.Sukumaran

For Respondents 2 & 3 ... Served-No Appearance

O R D E R

The transfer civil miscellaneous petition has been filed by the plaintiff in O.S.No.1714 of 2010 pending on the file of the District Munsif Court, Coimbatore, which is filed for declaration and injunction morefully described in the plaint.

2. There is yet another suit in O.S.No.38 of 2010, which is pending on the file of the District Court, Tiruppur filed by the daughter of the petitioner herein-M.Brindha, for partition.

3. There is also another suit filed by the first respondent-Muthukrishnan as plaintiff, which is numbered as O.S.No.109 of 2009 on the file of the District Court, Tiruppur, for declaration of title. The said suit was re-numbered as O.S.No.618 of 2010. Therefore, there are two suits, now pending before the District Court, Tiruppur. O.S.No.38 of 2010, which is a partition suit, in which the first respondent herein is the first defendant. In O.S.No.618 of 2010 on the file of the District Court, Tiruppur, the first respondent herein is the first plaintiff. Now, the suit which is sought to be transferred is O.S.No.1714 of 2010 pending on the file of the District Munsif, Coimbatore, which is filed for declaration and for consequential reliefs.

4. The petitioner and the first defendant are parties and the relief asked for is only against the first defendant, who is the first respondent herein. It is stated that the trial is yet to commence in all the suits. Admittedly, the petitioner herein and the first respondent herein are parties in all the three suits. Therefore, no prejudice would be caused to the first respondent, if the suit in O.S.No.1714 of 2010 pending on the file of the District Munsif, Coimbatore is transferred to be tried along with O.S.No.38 of 2010 and O.S.No.618 of 2010 pending on the file of the District Court, Tiruppur.

5. Learned counsel appearing for the first respondent objected for transfer of the suit from Coimbatore to Tiruppur.

6. Though the learned counsel for the first respondent objected to the same, considering the convenience of the parties and the nature of the relief sought for in all the three suits, this Court is of the view that it would be appropriate to transfer O.S.No.1714 of 2010 pending on the file of the District Munsif Court, Coimbatore to the file of the District Court, Tiruppur, to be tried along with O.S.No.38 of 2010 and O.S.No.618 of 2010, which are already pending there.

7. Accordingly, the transfer civil miscellaneous petition is allowed. O.S.No.1714 of 2010 pending on the file of the District Munsif Court, Coimbatore, shall stand withdrawn and transferred to the file of the District Court, Tirupur, to be tried along with O.S.No.38 of 2010 and O.S.No.618 of 2010. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Munsif
The District Munsif Court, Coimbatore
2. The District Judge,
The District Court, Tiruppur

+1 cc to Mr.M.Sriram Advocate sr 11238

Tr.C.M.P.No.643 of 2014
and M.P.No.1 of 2014

vgl(co)
aa07/03/2018

सत्यमेव जयते

WEB COPY