

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.570 of 2017
in C.M.P.Nos.11977 to 11979 of 2017

1.P.Ravichandran
2.R.Vijayalakshmi ... Petitioners/Plaintiff

Vs.

1.N.Mohan
2.N.Rajagopal
3.N.Balasubramaniam

4.Nataraj
Sub Registrar,
Gomangalam Sub Registrar Office,
Udumalpet Taluk, Coimbatore.

5.The Sub Registrar,
Sub Registrar Office,
Gomangalam, Udumalpet Taluk,
Coimbatore.

6.The Tahsildar,
Taluk Office,
Udumalpet, Coimbatore.

... Respondents/Respondents

PRAYER: Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.227 of 2009 pending on the file of District Munsif Court, Udumalpet, to transfer the same to the file of Principal District Munsif Court, Coimbatore, to be tried along with O.S.No.2218 of 2012 pending on the file of I Additional District Munsif Court, Coimbatore and O.S.No.2999 of 2012 pending on the file of District Munsif Court, Coimbatore.

For Petitioners : Mr.A.Sundaravadhanan

For R1 to R3 : No Appearance

For R4 and R6 : Given up

For R5 : Mrs.A.Madhumathi
Additional Government Pleader (CS)

O R D E R

This petition is filed to withdraw O.S.No.227 of 2009 pending on the file of District Munsif Court, Udumalpet, to transfer the same to the file of Principal District Munsif Court, Coimbatore, to be tried along with O.S.No.2218 of 2012 pending on the file of I Additional District Munsif Court, Coimbatore and O.S.No.2999 of 2012 pending on the file of District Munsif Court, Coimbatore.

2.The petitioners are plaintiffs and respondents are defendants in O.S.No.227 of 2009 on the file of District Munsif Court, Udumalpet. The petitioners are plaintiffs and respondents 1 & 3 are defendants in O.S.No.2999 of 2012 pending on the file of District Munsif Court, Coimbatore. The second petitioner is plaintiff and respondents 1 to 3 are defendants 1 to 3 in O.S.No.2218 of 2012 pending on the file of I Additional District Munsif Court, Coimbatore.

3.According to the petitioners, the disputes have arisen in respect of the land transaction between the petitioner, one Balakrishnan and first respondent. The respondents 1 and 3 along with rowdy elements came to the house of the petitioners, threatened them and forcibly made the first petitioner to execute the power of attorney appointing the first respondent as his agent. They have also forcibly took the original documents on title. The petitioners canceled the power of attorney on 18.12.2008 on the file of Sub-Registrar's Office, Singanallur, Coimbatore and informed to the 5th respondent, Sub-Registrar, Gomangalam, Udumalpet Taluk, about the cancellation of power of attorney and requested him not to register any document based on the said power of attorney. The petitioners obtained encumbrance certificate and found that the first respondent has executed and registered an agreement of sale on 09.07.2008 in respect of the property situate in Gomangalam village. After cancellation of power of attorney, first respondent executed two sale deeds in favour of 3rd respondent. In respect of power of attorney and transaction of the first respondent, after cancellation of the power of attorney, the petitioners have filed O.S.No.227 of 2009 on the file of District Munsif Court, Udumalpet. The petitioners have also filed O.S.No.285 of 2010 on the file of District Munsif Court, Palladam and the same was transferred to I Additional District Munsif Court, Coimbatore and renumbered as O.S.No.2999 of 2012 and the same is now pending on the file of I Additional District Munsif Court, Coimbatore. The second petitioner filed O.S.No.2218 of 2012 and the same is pending on the file of I Additional District Munsif Court, Coimbatore.

4.The learned counsel for the petitioners contended that in all the three suits, the power of attorney executed by the first petitioner and cancellation of the same are main issues. Both the oral and documentary evidence to be let in in all the three suits are one and the same and prayed for transfer of O.S.No.227 of 2009 pending on the file of District Munsif Court, Udumalpet, to the file of I Additional District Munsif Court, Coimbatore, to be tried along with O.S.Nos.2218 and 2999 of 2012 pending on the file of I Additional District Munsif Court, Coimbatore.

5.Heard the learned counsel for the petitioners and learned Additional Government Pleader (C.S.) for 5th respondent and perused the materials available on record. The learned counsel for the petitioners contended that the respondents 4 and 6 were deleted before the trial Court and prayed for dispensing with notice to the respondents 4 and 6. Though notice was served on the respondents 1 to 3 and their names are printed in the cause list, there is no representation on behalf of them either in person or through counsel.

6.From the materials available on record, it is seen that issue to be decided in all the three suits relates to power of attorney and cancellation of the same. The properties mentioned in all the three suits are different. Even though the properties of all the three suits are different, power of attorney executed by the petitioners and subsequent cancellation of power of attorney is the issues to be decided in all the three suits. In view of interlinking of the issues and pendency of the two suits in I Additional District Munsif Court, Coimbatore, in the interest of justice and convenience of the parties, O.S.No.227 of 2009 pending on the file of District Munsif Court, Udumalpet, is ordered to be withdrawn and transferred to the file of I Additional District Munsif Court, Coimbatore, to be tried along with O.S.Nos.2218 and O.S.No.2999 of 2012 pending on the file of I Additional District Munsif Court, Coimbatore, in order to avoid multiplicity of proceedings and conflicting decisions being rendered by two different Courts.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

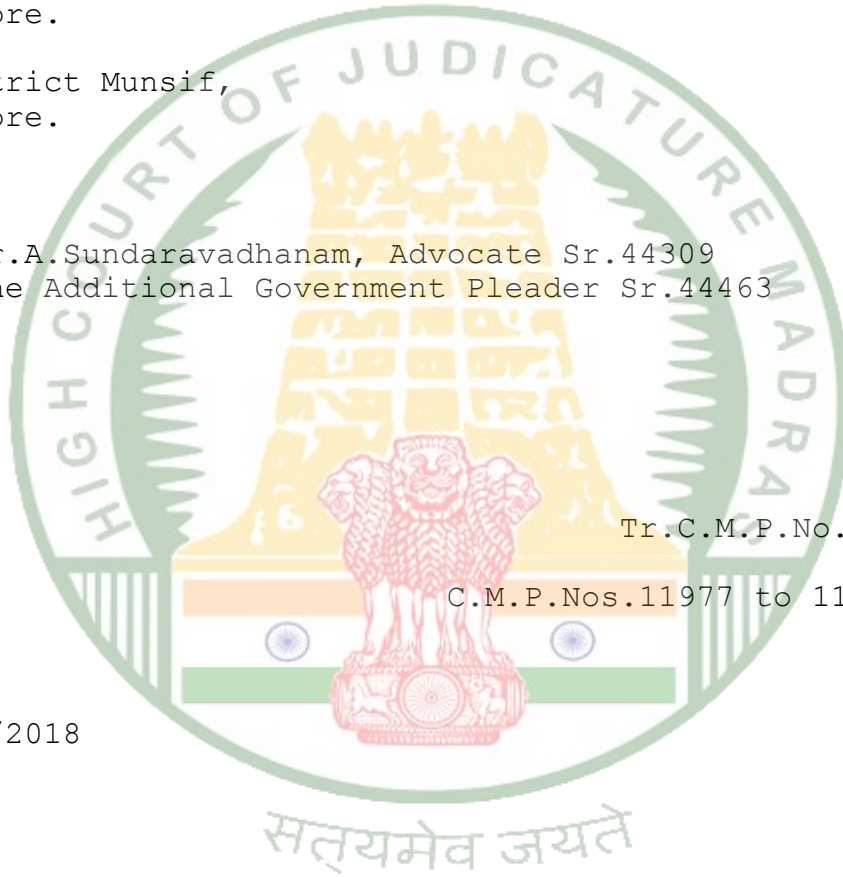
LPP/kj

To

- 1.The District Munsif,
Udumalpet.
- 2.I Additional District Munsif,
Coimbatore.
- 3.The Principal District Munsif,
Coimbatore.
- 4.The District Munsif,
Coimbatore.

+1cc to Mr.A.Sundaravadhanam, Advocate Sr.44309
+1cc to the Additional Government Pleader Sr.44463

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srg 01/08/2018



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and
C.M.P.Nos.11977 to 11979 of 2017

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