

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.935 to 937 of 2017
and C.M.P.Nos.18758 to 18760 of 2017

Muthu

... Petitioner in
all Tr.CMPs.

Versus

Kaliampoorthy

... Respondent in
all Tr.CMPs.

Prayer in all Tr.C.M.Ps: These petitions are filed under Section 24 of the Civil Procedure Code praying to pass an order withdrawing O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017 pending on the file of the II Additional District Judge, Puducherry and transferring them to the Principal District Judge, Cuddalore for disposal as per law.

For Petitioner : Mr.R.Gururaj
in all Tr.C.M.Ps.

For Respondent : Mr.C.T.Ramesh
in all Tr.C.M.Ps.

C O M M O N O R D E R

The above transfer civil miscellaneous petitions have been filed by the petitioner seeking withdrawal of O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017 pending on the file of the II Additional District Judge, Puducherry and transfer them to the file of the Principal District Judge, Cuddalore.

2. The transfer petitioner is the defendant in all the four suits. O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017 were filed by the respondent / plaintiff, which are pending on the file of the II Additional Judge, Pondicherry. There is yet another suit filed by the respondent/plaintiff in O.S.No.32 of 2017, which is pending on the file of the Principal District Court, Cuddalore.

3. In the affidavit filed by the petitioner, it is stated that three suits have been filed in Pondicherry giving the address at Pondicherry and the fourth suit alone is filed at Cuddalore. According to the petitioner/defendant, he is running a Polytechnic at Cuddalore. All the documents in respect of the transactions in the above suits would be common and a joint trial would be appropriate.

4. However, learned counsel for the respondent/plaintiff pointed out that in the affidavit filed by the petitioner in support of the petition, the petitioner has given his address only in Pondicherry and has stated that he has temporarily come down to Cuddalore. It is also

admitted by the learned counsel appearing for the petitioner that the transfer petitioner has a residence in Pondicherry.

5. Excepting the fact that he is running a polytechnic in Cuddalore, no other reason is mentioned for transferring the suits. The plaintiff has filed three suits, namely, O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017 in Pondicherry and only O.S.No.32 of 2017 was filed on the file of the Principal District Judge, Cuddalore. Considering the above facts, it is not necessary to transfer O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017, pending on the file of the II Additional District Judge, Pondicherry to Cuddalore, as there is no convincing reason made out for transferring the said suits. Whereas there is only one suit, which has been filed before the Principal District Judge, Cuddalore and the said suit can be transferred to Pondicherry to enable both the parties to have a joint trial and give a quietus to the dispute.

6. Learned counsel appearing for the respondent/plaintiff does not have any objection for transferring O.S.No.32 of 2017 from the file of the Principal District Judge, Cuddalore to the file of the II Additional District Judge, Pondicherry.

7. Admittedly, as the parties are same and the disputes are similar, it would be appropriate to transfer O.S.No.32 of 2017 from the file of the Principal District Judge, Cuddalore to the file of the II Additional District Judge, Pondicherry, as only one suit is filed in Cuddalore, which can be transferred to Pondicherry to be tried along with other suits in O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017, which are already pending there.

8. Accordingly, O.S.No.32 of 2017 pending on the file of the Principal District Judge, Cuddalore shall stand withdrawn from its file and transferred to the file of the II Additional District Judge, Pondicherry to be tried along with O.S.No.53 of 2017, O.S.No.11 of 2017 and O.S.No.31 of 2017.

9. With the above observations, these transfer civil miscellaneous petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

srn

To

1. The II Additional District Judge, Puducherry

2. The Principal District Judge, Cuddalore

+ 2 cc to Mr.C.T.Ramesh Advocate,SR.5140,5141

+ 1 cc to Mr.R.Gururaj Advocate,SR.5059

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