

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.997 of 2017

and C.M.P.Nos.20167 & 20168 of 2017

M.Ramesh

... Petitioner

Vs.

1.Munivenkatappa
2.Vengatamma @ Amaiah
3.D.Narayanappa
4.Rajanna
5.M.Srinivas
6.N.Subramani
7.N.Srinivasa Murthy
8.N.Manjunath

... Respondents

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.259 of 2008 on the file of the District Munsif Court, Hosur to be tried along with O.S.No.189 of 2012 on the file of the Subordinate Court, Hosur.

For Petitioner : Mr.R.Ezhilarasan
For R-1,2,4 to 8 : Mr.R.Jayaprakash
For R-3 : Died

O R D E R

This petition has been filed to withdraw the suit in O.S.No.259 of 2008, on the file of the District Munsif Court, Hosur to be tried along with O.S.No.189 of 2012 on the file of the Subordinate Court, Hosur.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents 1,2,4 to 8 and perused the materials available on record.

3. The petitioner herein is the plaintiff in O.S.No.259 of 2008. The defendants filed the suit in O.S.No.189 of 2012 against the petitioner and others. According to the petitioner, the property involved and the parties are one and the same in both the suits. Both the suits are pending trial before the

respective courts. Though the petitioner has filed the present petition seeking transfer of suit in O.S.No.259 of 2008 to be tried along with O.S.No.189 of 2012, he has not impleaded the necessary parties in both the suits in this transfer miscellaneous petition.

4.In view of the above, this Transfer Miscellaneous Petition is dismissed for non-joinder of necessary parties. No costs. Consequently, connected Miscellaneous Petitions are closed. However, it is left open to the petitioner to file another transfer miscellaneous petition by impleading the necessary parties.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

smi

To

1. The Judge,
District Munsif Court, Hosur.

+1cc to Mr.R.EZHILARASAN, Advocate, S.R.No.25848
+1cc to Mr.R.JAYAPRAKASH, Advocate, S.R.No. 26248

Tr.C.M.P. No.997 of 2017
& C.M.P.Nos.20167 & 20168 of 2017

TR(25/04/2018)

सत्यमेव जयते

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