

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.290 of 2018

and C.M.P.No.7481 of 2018

D.Manohar ...Petitioner(1st Defendant)

Vs.

1.Navaneedham ...1st Respondent(Plaintiff)

2.Krishnan ...2nd Respondent(2nd Defendant)

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw the suit O.S.No.381 of 2015 pending on the file of the District Munsif Court, Alandur and transfer the same to the file of the Sub Court, Tambaram to be tried along with O.S.No.199 of 2013.

For Petitioner : Mr.D.Raja Sekar

For R1 : Mr.John Peter

For R2 : Mr.V.P.Rajendran

O R D E R

This petition is filed to withdraw the suit O.S.No.381 of 2015 pending on the file of the District Munsif Court, Alandur and transfer the same to the file of the Sub Court, Tambaram to be tried along with O.S.No.199 of 2013.

2.When this petition is taken up for hearing, the learned counsel appearing for the respondents 1 and 2 submitted that they have no objection to transfer the suit O.S.No.381 of 2015 pending on the file of the District Munsif Court, Alandur to the file of the Sub Court, Tambaram to be tried along with O.S.No.199 of 2013 and they have also made an endorsement to that effect. They also prayed for speedy disposal of the suit in O.S.No.381 of 2015.

3.Recording the submission and endorsement made by both the learned counsel for the respondents 1 and 2, without deciding the issue on merits, the suit in O.S.No.381 of 2015 is ordered to be withdrawn from the file of the District Munsif Court,

Alandur and transferred to the file of the Sub Court at Tambaram to be tried along with O.S.No.199 of 2013 in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned District Munsif, Alandur is directed to transmit all the records pertaining to O.S.No.381 of 2015 to the file of the Sub Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Subordinate Judge, Tambaram is directed to dispose of O.S.No.381 of 2015 as expeditiously as possible, in any event not later than 31st January, 2019.

4. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The District Munsif, Alandur.
2. The Subordinate Judge, Tambaram.

+1cc to Mr.M.P.Johnpeter, Advocate, S.R.No.41767

+1cc to Mr.D.Rajasekar, Advocate, S.R.No. 41985

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SV (CO)
BM 23/07/2018

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