

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.322 of 2018

and C.M.P.Nos.8191 & 8192 of 2018

N.Krishnan

...Petitioner

Vs.

1.Devarajan

2.The Zonal Officer,
The Corporation of Chennai, Zone-XIV
Pallikaranai, Chennai 600 100.

3.D.Navaneetham

4.D.Ramesh

... Respondents

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw the suit O.S.No.638 of 2005 pending on the file of the Additional 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 and O.S.No.425 of 2005.Pending on the file of Sub Court,Tambaram.

For Petitioner : Mr.V.P.Rajendran

For RR1, 3 & 4 : Mr.John Peter

For R2 : No appearance

O R D E R

This petition is filed to withdraw the suit O.S.No.638 of 2005 pending on the file of the Additional 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 and O.S.No.425 of 2005.

2.When this petition is taken up for hearing, the learned counsel appearing for the respondents 1, 3 and 4 submitted that the respondents 1, 3 and 4 have no objection to transfer the suit O.S.No.638 of 2005 pending on the file of the Additional District Munsif Court, Alandur to the file of the Sub Court, Tambaram to be tried along with O.S.No.199 of 2013 and O.S.No.425 of 2005 and he has also made an endorsement to that effect. He also prayed for speedy disposal of the suit in O.S.No.638 of 2005.

3.Heard the learned counsel for the petitioner as well as respondents 1, 3 and 4 and perused the materials available on record. Though notice has been served on the 2nd respondent and his name is printed in the cause list, there is no representation for the second respondent either in person or through counsel.

4.Recording the endorsement made by the learned counsel for the respondents 1, 3 and 4, without deciding the issue on merits, the suit in O.S.No.638 of 2005 is ordered to be withdrawn from the file of the Additional District Munsif Court, Alandur and transferred to the file of the Sub Court at Tambaram to be tried along with O.S.No.199 of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 and O.S.No.425 of 2005 in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Additional District Munsif, Alandur is directed to transmit all the records pertaining to O.S.No.638 of 2005 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.638 of 2005 as expeditiously as possible, in any event not later than 31st January, 2019.

5.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 Additional District Munsif, Alandur.
- 2.The Subordinate Judge, Tambaram.

+1cc to Mr.M.P.John Peter, Advocate, S.R.No.41766
+1cc to Mr.V.P.Rajendran, Advocate, S.R.No.42013

Tr.C.M.P. No.322 of 2018
and C.M.P.Nos.8191 & 8192 of 2018

SV (CO)
BM 23/07/2018