

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.Nos.612 to 614 of 2012
and M.P.Nos.1, 1, 2 and 2 of 2012

Anbarasan

... Petitioner in all Tr.C.M.Ps.

Vs.

1.Jeyalakshmi
2.Muthusamy
3.M.Ravikumar
4.M.Thilipkumar

... Respondents
in Tr.C.M.P.No.612/2012

1.Muthusamy
2.Jeyalakshmi
3.M.Ravikumar
4.M.Thilipkumar

... Respondents in
Tr.C.M.P.No.613/2012

1.Akilandeswari
2.Manivannan
3.Manimegalai
4.Jeyalakshmi
5.Sakunthala
6.Nallammal
7.Selvaraj
8.Vasanthamala
9.Prakash
10.Ramasamy
11.Indirani
12.Anandan
13.Suganthi
14.Sooriyan
15.Uma

16.Jeyamani
17.Balasubramaniam
18.Moorthinathan
19.Pandian
20.Thirunavukkarasu
21.Sundaramoorthy
22.Dr.Thirugnanasambandam
23.M/s.Valarmathi Beauty Parlour

and Ladies Tailoring Shop
No.10, Kamatchi Amman Koil West Street,
Karur Town & District.

- 24.Velu
25.Gandhimathi
26.Chinnusami
Prop. Sankar Radio Shop
No.1, Paramathi Road,
Namakkal Town & District.
27.M/s.Willina Medical Shop
No.2, Paramathi Road
Santhaipettai Pudur
Namakkal Town & District.
28.Pappa
29.M/s.Gowtham Hotel
Rep. by Prop. Rengasamy
No.5/3, Paramathi Main Road,
Santhaipettai Pudur
Namakkal Town & District.
30.Subramani Tailor
Prop. Sangeeth Tailoring Shop
31.M/s.Kavin Tea Stall
Rep. by Prop. Venkatachalm
32.Savinidhi Dress Designer
Rep. by Prop. Vijaya
33.M/s.Sri Velavan Digital Video & Studio
34.M/s.Usha Ladies Beauty Parlour
35.Manivannan
Prop. LIC Policy Service Centre
36.M/s.Namakkal Pothupaniyalargal
Co-operative House Construction Sangam
37.Kandasamy (Maligai)
Prop. Parameswari Maligai Shop
No.5, Paramathi Road,
Santhaipettai Pudur
Namakkal Town & District.
38.M/s.Laya Tailoring Sudi Collections
M.G.M.Complex, Paramathi Road,
Santhaipettai Pudur
Namakkal Town & District.
39.M/s.Sathya Digital Arts ADvertising
No.222, Paramathi Road
Santhaipettai Pudur
Namakkal Town & District.
40.Geetha
41.Kamaraj
42.Mahalingam
Prop. Mahalingam Cycle Shop
Paramathi Road, Santhaipettai Pudur
Namakkal Town & District

43.M/s.ZIZZI Investments
No.4/11, Paramathi Road
Santhaipettai Pudur
Namakkal Town & District.

... Respondents in
Tr.C.M.P.No.614/2012

PRAYER in Tr.C.M.P.No.612/2012:- Petition has been filed under Section 24 of C.P.C., to withdraw O.S.No.223 of 2011 pending on the file of the District Munsif Court, Karur and transfer the same to the file of the Subordinate Court, Namakkal to be tried along with O.S.No.43 of 2006.

PRAYER in Tr.C.M.P.No.613/2012:- Petition has been filed under Section 24 of C.P.C., to withdraw O.S.No.236 of 2011 pending on the file of the District Munsif Court, Namakkal and transfer the same to the file of the Subordinate Court, Namakkal to be tried along with O.S.No.43 of 2006.

PRAYER in Tr.C.M.P.No.614/2012:- Petition has been filed under Section 24 of C.P.C., to withdraw O.S.No.264 of 2011 pending on the file of the Subordinate Court, Karur and transfer the same to the file of the Subordinate Court, Namakkal to be tried along with O.S.No.43 of 2006.

For Petitioner : Mr.C.H.Pandian

For Respondents : No Appearance

C O M M O N O R D E R

These Transfer Civil Miscellaneous Petitions are filed to withdraw O.S.No.223 of 2011 pending on the file of the District Munsif Court, Karur; O.S.No.236 of 2011 pending on the file of the District Munsif Court, Namakkal and O.S.No.264 of 2011 pending on the file of the Subordinate Court, Karur and transfer the same to the file of the Subordinate Court, Namakkal to be tried along with O.S.No.43 of 2006.

2.The petitioner and the issues involved in all the three Transfer Civil Miscellaneous Petitions are one and the same and therefore, they are disposed of by this common order.

3.The petitioner has filed these petitions to transfer O.S.No.223 of 2011 pending on the file of the District Munsif Court, Karur; O.S.No.236 of 2011 pending on the file of the District Munsif Court, Namakkal and O.S.No.264 of 2011 pending on the file of the Subordinate Court, Karur to the file of the Subordinate Court, Namakkal, to be tried along with O.S.No.43 of 2006. According to the petitioner, O.S.No.43 of 2006 is for partition of the properties mentioned therein. It is

comprehensive suit. All the properties which are subject matter of three suits except one property in Survey No.578 is situated in the Karur Town. All the parties are residing at Namakkal. The documents and evidences are common to all the suits. In order to avoid conflicting decisions, all the suits are to be transferred to the Subordinate Court, Namakkal to be tried along with O.S.No.43 of 2006.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondents and their names are printed in the cause list, there is no representation for them either in person or through counsel.

5.From the averments in the affidavit in all the Transfer Civil Miscellaneous Petitions, it is seen that the properties which are subject matter in all the three suits sought to be transferred are not subject matter in O.S.No.43 of 2006. The parties are also not one and the same. The petitioner has not impleaded all the parties in O.S.No.43 of 2006 in present Transfer Civil Miscellaneous Petitions. O.S.Nos.223 of 2011 and 236 of 2011 are filed for injunction. Only O.S.No.264 of 2011 is for partition of the properties mentioned therein. The properties which are subject matter in all the above three suits are not subject matter in O.S.No.43 of 2006.

6.In view of the above facts that properties and issues are not one and the same, all the three Transfer Civil Miscellaneous Petitions are dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1.The District Munsif,
Karur.

2.The District Munsif,
Namakkal.

3.The Subordinate Judge,
Karur.

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4.The Subordinate Judge,
Namakkal.

+lcc to Mr.C.H.Pandian, Advocate sr.no.25100

Tr.C.M.P.Nos.612 to 614 of 2012
and M.P.Nos.1, 1, 2 and 2 of 2012

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