



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Tr.C.M.P. (MD) .No.360 of 2018
and
C.M.P. (MD) .No.8644 of 2018

Sivaganthammal

.. Petitioner

Vs.

1.Mageswari

2.Arunadevi

3.The General Manager,
Bharath Sanchar Nikam Ltd.,
Thanjavur.

.. Respondents

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the suit in O.S.No.184 of 2017 from the file of the District Munsif Court, Palani to the District Munsif Court, Thanjavur and try along with O.S.No.147 of 2018.

For Petitioner : Mr.G.Karnan

For R3 : Mr. Dr.M.D.Poornachari

O R D E R

The petitioner herein filed O.S.No.147 of 2018 on the file of the District Munsif Court, Thanjavur, claiming her share in terminal benefits of her son Ganesamoorthy. The petitioner's son was employed as Technician in BSNL at Thanjavur. He passed away on 02.10.2017. The said Ganesamoorthy left behind not only the petitioner, who is his mother, but his wife and a female child as his other surviving legal heirs. The petitioner's daughter-in-law and the grand child filed O.S.No.184 of 2017 before the District Munsif Court, Palani, seeking the very same relief. The petitioner herein is arrayed as the second defendant in O.S.No.184 of 2017 on the file of the District Munsif Court, Palani.

2. The petitioner is aged about 86 years. Her husband had passed away and her only son is also no more. The petitioner's son lastly served at Thanjavur.



3. In these circumstances, in the interest of justice, this Court withdraws O.S.No.184 of 2017 from the file of the District Munsif Court, Palani, and transfers the same to the file of the District Munsif Court, Thanjavur, to be tried along with O.S.No.147 of 2018 filed by the petitioner herein. The learned District Munsif, Palani, shall transmit the case bundle forthwith on receipt of a copy of this order.

4. On receipt of case bundle, the learned District Munsif, Thanjavur, shall issue a fresh hearing notice to the respondents 1 and 2 herein. Since the petitioner herein is aged about 86 years, the learned District Munsif, Thanjavur shall dispose of both the suits within a period of three months from the date of receipt of a copy of this order.

5. The learned counsel for the petitioner herein states that the petitioner is ready for an amicable resolution of the issue. This submission is placed on record. The learned counsel for the revision petitioner herein shall also issue a communication enclosing the order copy to the respondents herein.

6. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected C.M.P.(MD) No. 8644 of 2018 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-II)

To

- 1.The District Munsif Court, Thanjavur.
- 2.The District Munsif Court, Palani.

+1 CC To MR.G.KARNAN, Advocate SR. NO.91233

+1 CC To MR.M.D.POORNACHARI, Advocate SR. NO. 91234

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and
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CM

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