

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.236 of 2019
and
C.M.P.No.7066 of 2019

1.M.Vasugi
2.Madan Kumar
3. Shobana

.... Petitioners

Vs.

1.Samathuvam Ammal
2.Thilakavathi
3.Anand
4.A.Ganesan

.... Respondents

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the appeal in A.S.No.13 of 2019 filed by the respondents 1 to 3 herein pending on the file of the SubCourt, Omalur and transfer the same to the file of this Hon'ble Court to be tried along with A.S.No.258 of 2017, filed by the respondents 1 & 3 herein pending on the file of this Hon'ble Court.

For petitioners : Mr.N.Damodaran

For Respondents : M/s.Zeenath Begum

O R D E R

This petition is filed by the petitioner seeking to withdraw the appeal in A.S.No.13 of 2019 filed by the respondents 1 to 3 herein pending on the file of the Sub-Court, Omalur and transfer the same to the file of this Court to be tried along with A.S.No.258 of 2017, filed by the respondents 1 & 3 herein pending on the same.

2. The petitioners filed a suit for partition in O.S.67 of 2011 before III Additional District Court, Salem against the respondents. The respondents filed a suit for permanent injunction before District Munsif Court, Omalur in O.S.No.1100

of 1996. The preliminary decree came to be passed in favour of the petitioners in O.S.67 of 2011 against which the respondents filed an appeal before this Court in A.S.No.258 of 2017. The injunction suit filed by the respondents was ordered subject to the result of the A.S.No.258 of 2017 pending on the file of this Court. Aggrieved over the same, the respondent preferred an appeal before Sub Court, Omalur. Now that the petitioner seeks transfer of A.S.No.13 of 2019 pending on the file of Sub Court, Omalur to be tried along with A.S.No.258 of 2017 pending on the file of this Court.

3. I have heard the submissions.

4. The parties in both the appeals are one and the same and the subject matter is also interconnected. The learned counsel appearing for the respondent also does not have any serious objection for transferring the appeal from Sub Court, Omalur to this Court to be tried along with A.S.No.258 of 2017 pending on the file of this Court.

5. In order to avoid multiplicity of proceedings, this Court is inclined to transfer the case pending on the file of Sub Court, Omalur to this Court. Accordingly, A.S.No.13 of 2019 pending on the file of Sub-Court, Omalur is withdrawn and transferred to High Court of Madras to be tried along with A.S.No.258 of 2017 pending on the file of this Court.

6. This transfer civil miscellaneous petition is ordered accordingly. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

bkn

To

1. The Subordinate Judge, Omalur.
Copy to:

1. The Assistant Registrar,
A.E.Section, High Court, Madras.

2. The Section Officer,
V.R.Section, High Court, Madras.

3. The Section Officer,
Judicial Department, High Court, Madras.

+1 cc to Mr.N.Damodaran, Advocate, Sr.No. 39977
+1 cc to M/s.Zeenath Begum, Advocate, Sr.No. 40089

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CSL/27.06.2019



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