

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.194 of 2018
and
C.M.P.NO.5062 OF 2018

K.Hemalatha

... Petitioner

Vs.

1.G.Boomidevi
2.The Sub Registrar
Thiruvotriyur,
Chennai-600019.

.... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of the Civil Procedure Code, praying to withdraw the O.S.No.6 of 2018 pending before the District Munsif Court, Ponneri may be pleased to transfer to the Additional District Court, Ponneri for joint trial along with O.S.No.182 of 2016 pending on the file of that Court.

For petitioner : Mr.R.Ramesh
For respondent - 2 : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This petition is filed by the petitioner seeking to withdraw the O.S.No.6 of 2018 pending on the District Munsif Court, Ponneri and to transfer the same to the Additional District Court, Ponneri, for joint trial along with O.S.No.182 of 2016.

2. The first respondent filed a suit in O.S.No.182 of 2016 before the Additional District Court, Ponneri for partition of the property, situated within the jurisdiction of Meenjur Panchayat Union, on the basis of settlement deed executed by the mother of the first respondent. On the other hand, the petitioner filed a suit in O.S.No.6 of 2018 before the District Munsif Court, Ponneri on 19.01.2015, for declaring the settlement deed as null and void.

3.Heard the submissions made by the counsel for the petitioner and learned Special Government Pleader for R-2. Despite the service of notice on R-1, she has not chosen to appear before this Court either in person or through counsel.

4. Both the litigations are one and the same and the subject matter is also the same. By considering the facts and circumstances of the case, this matter can be tried at the same place. In so far as, the request of parties to transfer O.S.No.6 of 2018 pending before the District Munsif Court, Ponneri, to be tried along with O.S.No.182 of 2016, on the file of Additional District Court is concerned, appears to be reasonable.

5. Considering the convenience of the parties and to avoid multiplicity of the proceedings, the suit in O.S.No.6 of 2018 on the file of the District Munsif Court, Ponneri is withdrawn and transferred to the file of Additional District Court, Ponneri to be tried along with O.S.No.182 of 2016, pending on the same Court.

6. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

bkn / tk
To

1. The District Munsif, Ponneri.
2. The Additional Judge
District Court, Ponneri.

+1 CC to Mr.R.Ramesh, Advocate sr 11179.

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