

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.Nos.971 and 972 of 2017
and
CMP.Nos.119589 and 19590 of 2017

V.Sarojini ... Petitioner [in both petitions]

Vs.

1.Govindaraj
2.Kanchana

... Respondents [in both petitions]

PRAYER in both petitions: Transfer Civil Miscellaneous petitions filed under section 24(b) (ii) of the Civil Procedure Code, praying to withdraw and transfer of O.S.Nos.67 of 2014 and 241 of 2015 on the file District Munsif Court, Udumalpet, to the file of the Principal Sub Ordinate Court, Coimbatore, to be tried along with the pending suits in O.S.No.411 of 2005, O.S.No.228 of 2013 and O.S.No.1354 of 2014.

For petitioner : Mr.A.Sivaji [in both petitions]

For respondents : No appearance [in both petitions]

C O M M O N O R D E R

These petitions are filed by the petitioner seeking to withdraw and transfer of O.S.Nos.67 of 2014 and 241 of 2015 on the file District Munsif Court, Udumalpet, to the file of the Principal Sub Ordinate Court, Coimbatore, to be tried along with the pending suits in O.S.No.411 of 2005, O.S.No.228 of 2013 and O.S.No.228 of 2013 and O.S.No.1354 of 2014.

2.From a perusal of the records, it is clear that the petitioner and the respondents are relatives and that they have properties within the jurisdiction of Coimbatore district and Udumalpet. The subject matter of lis pending between the parties is one and the same. On earlier occasion, other two suits were transferred and posted for joint trial. In this petition, the petitioner has come forward with a request to transfer O.S.No.67 of 2014 and 241 of 2015 on the file of District Munsif Court, Udumalpet to be tried along with the

pending suit O.S.No.411 of 2005, O.S.No.228 of 2013 and O.S.No.1354 of 2014 on the file of Principal Subordinate Court, Coimbatore.

3.In spite of service, the respondents have not chosen to appear before this Court.

4. Considering the subject matter of suit and the fact that the parties are one and the same, for the sake of convenience, the suit O.S.Nos.67 of 2014 and 241 of 2015 pending on the file of District Munsif Court, Udumalpet can be transferred to the file of the Principal Sub court Coimbatore. Accordingly, O.S.No.67 of 2014 and O.S.No.241 of 2015 pending on the file of District Munsif Court, Udumalpet are withdrawn and transferred to Principal Sub Court, Coimbatore to be tried along with O.S.No.411 of 2005, O.S.No.228 of 2013 and O.S.No.1354 of 2014. The Principal Sub Judge may take a decision with regard to conducting joint or simultaneous trial in these matters. A direction is issued to the Principal Sub Court, Coimbatore to dispose of the above suits as expeditiously as possible.

5. Accordingly, these Transfer Civil Miscellaneous Petitions are ordered. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

bkn

To

1.The District Munsif Court, Udumalpet.

2.The Principal Sub-Ordinate Court, Coimbatore.

+1cc to Mr.A.Sivaji, Advocate SR.No.10118

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SS(CO)
GMY(04/04/2019)