

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P.No.792 of 2018
and
C.M.P.No.18360 of 2018

1.V.Padmavathy
2.Kokila (Deceased)
3.Jyothi (Deceased)
4.B.Brundhakumari
5.L.Ramesh Babu
6.L.Dhanalakshmi
(5 & 6 are LR's of Kokila)
7.J.Loganathan
8.M.Bhuvaneswari
9.J.Kavitha
(7, 8, 9 are LR's of Jyothi)

... Petitioners

Vs.

1.B.Rajaram (Deceased)
2.B.Nagarajan (Deceased)
3.B.Mohangovindaraj
4.B.Sundar
5.Lokabai (Deceased)
6.N.Alamelu
7.N.Venkatesh Babu
8.N.Mythili
9.N.Subramaniam
10.K.Varathappa Gounder.
(6, 7 & 8 are LR's of B.Nagarajan)

... Respondents

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw O.S.No.201 of 2004 from the file of the District Munsiff Court, Attur and transfer the same to any other Court in the same district or to any other Court in Chennai.

For Petitioner : Mr.S.M.Muralidharan

For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of O.S.No.201 of 2004 from the file of the District Munsiff Court, Attur and transfer the same to any other Court in the same District or to any other Court in Chennai.

2. The petitioners filed a suit in O.S.No.201 of 2004 for partition before the Lower Court. It is stated that during the pendency of the suit, the 2nd and 3rd plaintiffs died and their legal representatives are yet to be impleaded. Without impleading the legal representatives, the transfer civil miscellaneous petition is not maintainable, for want of necessary parties to contest the case. Therefore, the petitioners seek leave of the Court to withdraw the Transfer Civil Miscellaneous Petition with liberty to file another petition after impleading the legal representatives of the deceased plaintiffs and also made an endorsement to that effect.

3. Recording the said endorsement, the Transfer Civil Miscellaneous petition is dismissed as withdrawn with liberty to the petitioners to file a petition for impleading the legal representatives of the deceased plaintiffs. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bri

To

The District Munsiff,
Attur.

सत्यमेव जयते

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and
C.M.P.No.18360 of 2018

SSV(CO)
CS/17/06/2019