

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.866 of 2018
and
C.M.P.No.21418 of 2018

M.Murugan

... Petitioner

Vs.

- 1.K.Shantha Kurian
2. K.Abraham Rggie Kurian
3. K.Ranjith Kurian
4. K.Roy Kuriyan

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the O.S.No.23 of 2018 pending on the file of the Subordinate Court at Pollachi, to be tried along with O.S.No.442 of 2014 pending on the file of the II Additional District Court, Coimbatore.

For Petitioner : Mr.P.Saravanan

For Respondent : Mr.K.V.Sajeev kumar

सतममेन जयते
O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer the suit in O.S.No.23 of 2018 pending on the file of the Subordinate Court at Pollachi, to be tried along with O.S.No.442 of 2014 pending on the file of the II Additional District Court, Coimbatore.

2. The case of the petitioner is that the petitioner has filed a suit in O.S.No.23 of 2018 before the Sub Court, Pollachi seeking permanent injunction restraining the defendants, their friends for relatives, henchmen, from obstructing the plaintiff's peaceful possession and cultivation and enjoyment of the suit property in respect of S.F.No.1/3B with an extent of 5 Acre in 40 Acre in Anamalai

Hills, Village, Valaparai, Coimbatore Revenue District, with the same schedule of property which is shown in O.S.No.442 of 2014 in respect of S.F.No.1/3B with an extent of 40 Acre in Anamalai Hills and Villag6e, Valaparai, Coimbatore Revenue District which is pending before the III Additional District Court, Coimbatore.

3. In the meanwhile, one R.K. Plantation, represented By its partner Z.K.Eipe and K.A.Iype and Dr.Maya Philip, has filed a suit in O.S.No.442 of 2014, before the III Additional District Court, Coimbatore, claiming declaration of suit property in respect of S.F.No.1/3B, with an extent of 40 Acre in Anamalai Hills, Village, Valaparai, Coimbatore Revenue District.

4. The learned counsel for the petitioner would submit that the suits filed by both the parties are inextricably interlinked and a joint trial of the matter would be necessary to avoid duplication and a comprehensive solution to the disputes.

5. The learned counsel for the respondents would submit that time limit can be fixed for speedy trial as the suit in OS.No.442 of 2014 is pending from the year 2014.

6. Heard the learned counsel for the petitioner as well as the respondents and also perused the materials available on record.

7. This Court is of the opinion that since both the suits are interconnected and Joint trial would meet ends of justice and also avoid conflicting judgments. The learned counsel for the respondent also does not have any serious objection for joint trial of the suits. His request only for a early disposal of the both suits.

8. Considering the fact that the suit is pending from the year 2014, this Court is inclined to withdraw the suit in O.S.No.23 of 2018 on the file of the Subordinate Court, Pollachi and transfer the same to the file of the II Additional District Court, Coimbatore, to be tried along with the suit in O.S.No.442 of 2014.

9. Accordingly, the suit in O.S.No.25 of 2018, pending on the file of the Subordinate Court, Pollachi, is withdrawn and transferred to the file of II Additional District Court, Coimbatore to be tried along with O.S.No.442 of 2014. The learned II Additional District Judge, Coimbatore is directed to dispose of the case within a period of nine months from the date of receipt of a copy of this order.

10. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

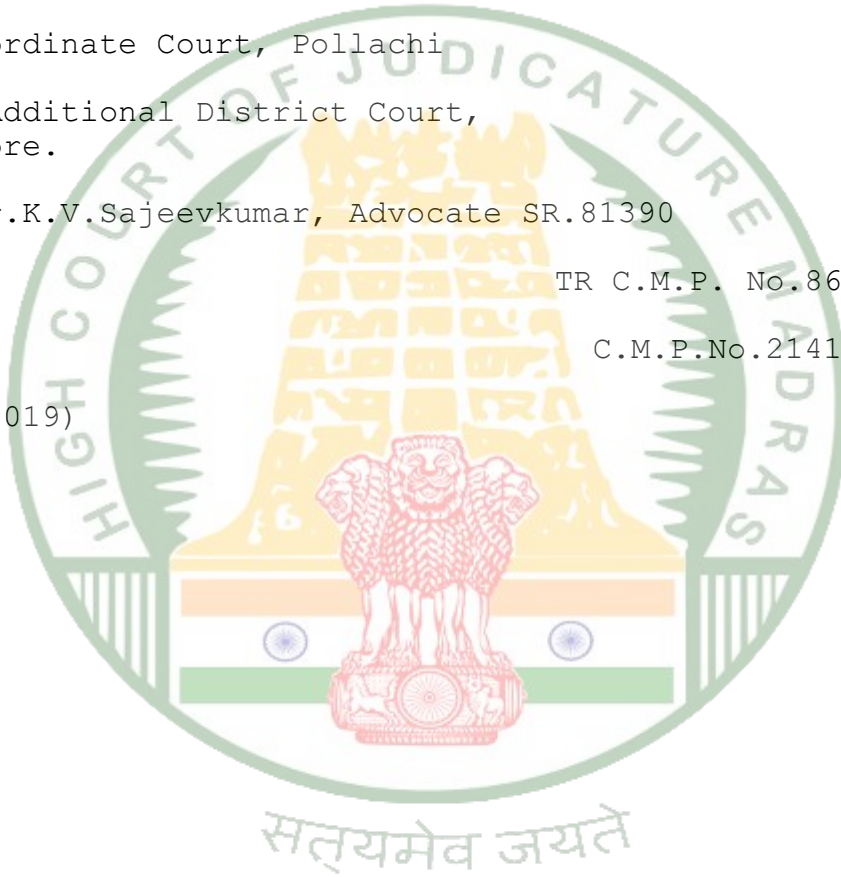
1.The Subordinate Court, Pollachi

2.The II Additional District Court,
Coimbatore.

+1cc to Mr.K.V.Sajeevkumar, Advocate SR.81390

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NMI (CO)
CB(15/11/2019)



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