

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2019

Coram

THE HON'BLE MR. JUSTICE R. PONGIAPPAN

Tr. C.M.P. No. 800 of 2018

Kshirod Kumar Jena ... Petitioner /1st Defendant

Vs.

1. T.S. Ganesan
2. Mangalam Krishnamurthy
3. B. Balakrishnan
4. S. Varadarajan
5. S. Anandhavalli

... 1st to 5th Respondents /
Plaintiffs

6. Ms. Elizabeth Thomas
7. Mrs. Mary Eapen
8. A.A. Philip
9. J.K. Manikandan

... 6th to 9th Respondents/
2nd to 5th Defendants

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw OS No.620 of 2011 from the file of Additional District Munsif Court at Alandur and to transfer the same to Principal District Court, Chengalpat for joint trial along with OS No. 207 of 2013.

For Petitioner : Mr. T. Karunakaran

For Respondent : R1 to R5 - Mr. T.S. Vijaya Raghavan

R6 to R9 - Given up. No appearance

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O R D E R

The petitioner is the 1st defendant in OS No.620 of 2011 pending on the file of Additional District Munsif Court at Alandur. He has filed this petition under Section 24 of Code of Civil Procedure for the relief to withdraw OS No.620 of 2011, now pending on the file of Additional District Munsif Court,

Alandur and to transfer the same to Principal District Court, Chengalpat for joint trial along with OS No. 207 of 2013.

2. Today when this petition is taken up for hearing, the learned Counsel appearing for the petitioner as well as to the respondents 1 to 5 are present. Both the counsels represented that in the trial Court, the respondents 6 to 9 remained exparte and they are not contesting defendants.

3. Further, the learned counsel appearing for the petitioner made an endorsement for given up the respondents 6 to 9. In respect to the counsels appearing for the respondents 1 to 5, he has made an endorsement that he is not having any objection for allowing this transfer civil miscellaneous petition.

4. In view of the above representation and the endorsement made by the Counsels appearing for either side, this petition is allowed as prayed for by the petitioner.

5. Accordingly, OS No.620 of 2011 is ordered to be withdrawn from the file of Additional District Munsif Court at Alandur and to transfer to the file of Principal District Court, Chengalpat. The learned Additional District Munsif, Alandur is directed to transmit the case records pertaining to OS No.620 of 2011 to Principal District Court, Chengalpat, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the Principal District Judge, Chengalpat, is directed to dispose the Suit OS No.620 of 2011 along with OS No. 207 of 2013 by joint trial or simultaneous trial, not later than 30.08.2019, since both the cases are pending for more than 5 years. It is left open to the Principal District Judge to decide for joint trial or for simultaneous trial. No costs.

Sd/-
Assistant Registrar(CS VI)
//True Copy//

Sub Assistant Registrar

vrn

To

1. The Additional District Munsif, Alandur

2. The Principal District Court, Chengalpat

+1 cc to M/s.T.Karunakaran, Advocate SR.No.4125

+1 cc to M/s.T.S.Vijaya Raghavan, Advocate SR.No.4152

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SKV(CO)
CSL/05.02.2019



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