



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 19.03.2019**

**CORAM**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**TR. C.M.P (MD) .No.212 of 2017**

**and**

**C.M.P (MD) No.4847 of 2017**

RM.M.Annamalai Chettiar ... Petitioner/9<sup>th</sup> defendant

Vs.

1.Meenakshi ... 1<sup>st</sup> respondent /  
Plaintiff

2.RM.Muthiah

3.RM.Annamalai

4.AL.Muthu @ Muthiah

5.AL.Muthal Achi

6.Valliammal

7.Nagalakshmi

8.Meenakshi Nagappan

9.Solai

10.M.Ramanathan ... Respondents 2 to 10/  
Defendants 1 to 8 & 10

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the suit in O.S.No.22 of 2010 pending on the file of the learned Fast Track Mahila Court, Sivagangai and transfer the same to the file of the IV Additional District Court, Madurai to be tried along with O.S.No.154 of 2015 on its file on merits and in accordance with law.

For petitioner :Mr.M.Rajaraman

For 1<sup>st</sup> respondent :M/s.C.Meenakshi Ramaprabu

<https://hcservices.ecourts.gov.in/hcservices/>

For respondents 2 & 10 : Mr.C.Deepak



For respondents 3 & 4 : Mr.M.Thirunavukkarasu

For respondents 5 to 7 & 9 : Mr.M.A.Muthiah

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For 8<sup>th</sup> respondent : No appearance

### ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / 9<sup>th</sup> defendant seeking transfer of O.S.No.22 of 2010 from the file of the Fast Track Mahila Court, Sivagangai to the file of the IV-Additional District Court, Madurai to try along with O.S.No.154 of 2015.

2. It is stated in the petition that both the parties are related to each other and that both the suits viz., O.S.No.22 of 2010 and 154 of 2015 have been filed for partition. The issue involved in both the suits are also the same and therefore, both the suits have to be tried together and therefore, she requested to transfer the suit in O.S.No.22 of 2010 to the file of the IV-Additional District Judge, Madurai for conducting simultaneous trial with the suit in O.S.No.154 of 2015.

3. The learned counsel for the petitioner reiterated the averments made in the petition.

4. The learned counsel appearing for the respondents has no objection in granting the relief. However, they submitted that in the event of transfer, this Court may direct the Court below to dispose of both the suits within a stipulated time.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. In view above submission of the learned counsel for both sides and also considering the fact that the issue involved in both the suits are interrelated to each other, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed with the following directions:

i) The learned Fast Track Mahila Court Judge, Sivagangai is directed to transmit the entire records in O.S.No.22 of 2010 to the file of the IV-Additional District Judge, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned IV-Additional District Judge, Madurai, after obtaining the records on transfer, is directed to tag O.S.No.22 of 2010 along with O.S.No.154 of 2015 which is pending on his file, conduct trial and dispose of the same on merits and in accordance with law, preferably within a period of six months from the date of receipt of records



relating to O.S.No.22 of 2010.

No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Fast Track Mahila Court,  
Sivagangai.

2.The IV-Additional District Judge,  
Madurai.

+1 CC to M/s.M.A.MUTHAIAH, Advocate ( SR-54901[F] dated  
19/03/2019 )

+1 CC to M/s.M.RAJARAMAN, Advocate ( SR-55592[F] dated  
21/03/2019 )

GCG

TR. C.M.P (MD) .No.212 of 2017  
19.03.2019

KM-DS/ (08.04.2019) 3P 5C