



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P. (MD)No.305 of 2019

and

C.M.P (MD)No.7061 of 2019

1.A.Sivagami Ammal
2.A.Nagaraj
3.A.Perumal
4.A.Pothum Ponnu

... Petitioners

Vs.

1.T.Selvi
2.T.Vignesh
3.T.Karthikeyan

... Respondents

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the O.S.No.36 of 2019 on the file of learned District Court, Pudukottai to learned District Court, Trichy.

For Petitioners : Mr.S.M.S.Johnn Basha

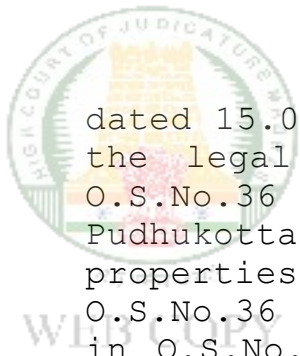
For Respondents : Mr.C.Deepak

O R D E R

The above Transfer Civil Miscellaneous petition is filed seeking to transfer the suit in O.S.No.36 of 2019 pending on the file of the District Court, Pudukottai to the file of the District Munsif Court, Trichy to be heard along with O.S.No.516 of 2002.

2.The facts in brief are as follows:

The suit in O.S.No.516 of 2002, was originally filed by one Govindasamy Palandar against Arumugam, the husband of the first petitioner herein, on the file of the District Munsif Court, Tiruchirapalli and later transferred to the file of the learned III Additional District Munsif, Trichy and renumbered as O.S.No.592 of 2004 for declaration and injunction. Pending suit, the said Govindasamy Palandar has died and his son has been brought on record. The transfer petitioners were impleaded as defendants in the said suit on the death of Arumugam by orders



dated 15.04.2016 and 08.09.2017. The transfer petitioners, who are the legal representatives of the deceased Arumugam have filed O.S.No.36 of 2019 on the file of the learned District Judge, Pudhukottai for partition in separate possession 1/4th share of the properties. The suit in O.S.No.592 of 2002 and the suit in O.S.No.36 of 2016 are related to the same properties. In the suit in O.S.No.36 of 2019, some of the properties, which are already subject matter of the suit in O.S.No.592 of 2004 is also executed. Therefore, in order to avoid multiple and conflicting judgment, the plaintiffs in the suit in O.S.No.592 of 2004, the defendants 2 to 5 have demanded transfer to have the suit in O.S.No.36 of 2019 filed before the learned District Judge, Pudhukottai to the learned District Judge, Trichy.

3.Considering the fact that the suit before the District Court at Trichy, is one for declaration and the suit before the Pudhukottai is one for partition and the interest of justice would be sub-served, if both the suits are ordered to be transferred to Principal District Court, Trichy for joint trial. Therefore, the above Transfer Civil Miscellaneous Petition is allowed with the following direction:

The suit in O.S.No.36 of 2019 now pending on the file of the District Court, Pudhukottai is directed to be withdrawn and transferred to the file of the District Court, Trichy. Likewise the suit in O.S.No.592 of 2004 pending on the file of the learned III Additional District Munsif, Trichy is directed to be withdrawn and transferred to the learned Principal District Court, Trichy.

4.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

vsd
To

1.The District Court,
Pudukottai.



2.The Principal District Court,
Trichy.

3.The II Additional District Munsif
Trichy

+1 CC to MR.C. DEEPAK, Advocate (SR-98027[F] dated 13/11/2019)

+1 CC to MR.S.M.S.JOHNNY BASHA, Advocate (SR-98138[F] dated
14/11/2019)

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