



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Fifth day of April Two Thousand Nineteen

PRESENT:

The Hon`ble Mr. Justice M.M.SUNDRESH

AND

The Hon`ble Mr. Justice N.SATHISH KUMAR

CMP(MD). No.9344 of 2018

in

LPA(MD) NO.1 of 2018

CSI TUTICORIN - NAZARETH

DIOCESE REP. THROUGH ITS DIOCESAN

SECRETARIES REV.S.DEVARAJ GNANASINGH AND MR.

S.D.K.RAJAN CALDWELL HIGH SECONDARY SCHOOL

TUTICORIN - 628 001.

... Petitioner/Appellant

Vs

1 R.STANLEY VEDANMANICKAM,
ADVOCATE SON OF LATE. D.S.RAJAPANDI 97G/1
TEACHERS COLONY 6TH STREET TUTICORIN.

2 D.DURAIRAJ,
SON OF LATE DEVANESAM 13A/5D
INNASIYARPURAM 1ST STREET TUTICORIN.

3 M.AROAN,
SON OF LATE. MOSES 4/32 ATHIPARASAKTHI
NAGAR ETTAYAPURAM ROAD TUTICORIN.

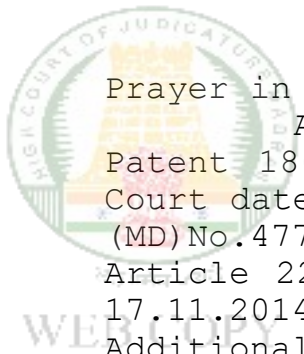
4 J.D.ANANDARAJ,
SON OF J.DEVARAJ 1/280A UDANKUDI ROAD
MEGNANAPURAM THOOTHUKUDI DISTRICT.

5 RT.REV.S.E.C.DEVASAHAYAM,
THE BISHOP CSI TUTICORIN - NAZARETH DIOCESE
HAVING OFFICE AT: CALDWELL HIGHER SECONDARY
SCHOOL TUTICORIN - 628001.

6 MR. D.MOHAN ARUMAINAYAGAM,
TREASURER CSI TUTICORIN - NAZARETH DIOCESE
HAVING OFFICE AT: CALDWELL HIGHER SECONDARY
SCHOOL TUTICORIN - 628001. ... Respondents/Respondents

Prayer in CMP(MD). No.9344 of 2018 :-

This petition filed under section 151 of C.P.C. to issue appropriate directions, including designating one court for the purpose of resolving any disputes that may be raised and prevent the abuse of process of law and procedure with regard to the fact and circumstance of the case.



Prayer in LPA (MD) NO.1 of 2018 :-

Appeal is filed under clause 15 of the Amended Letters Patent 1865 against the order of a learned single Judge of this Court dated 04.07.2018 made in C.M.P.(MD) No.5095 of 2018 in C.M.P.(MD)No.4775 of 2018 in C.R.P(PD)(MD)No.820 of 2015 filed under Article 227 of the Constitution of India, against the order dated 17.11.2014, passed in CMA.No.18/2013 on the file of the I Additional District Court, Tuticorin, setting aside the order dated 28.05.2013 passed in IA.359 of 2013 in OS.No.120 of 2013 on the file of the Sub Court, Thoothukudi.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.SUBBU RANGA BHARATHI, Advocate for the Petitioner and of Mr.V.RAJIV RUFUS Advocate for the first Respondent, MR.C.DHANSEELAN, Advocate for the third Respondent and MR.J.KINGSLY SOLOMON, Advocate for the fifth Respondent, this Court made the following order:

(Order of the Court was made by **M.M. SUNDRESH, J.,**)

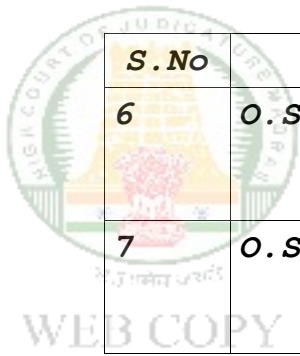
Heard the learned counsel for the applicant.

2. When the matter is taken up for hearing, the learned counsel appearing for the parties in O.S.No.176 of 2018 submitted that the suit is withdrawn.

3. The said submission is recorded. Despite the fact that time was sought for by the learned counsel for the first respondent in the last hearing, there is no representation today.

4. It is submitted that the suits are pending in different Courts, which is as under:

S.No	Case Numbers	Courts	Status
1	O.S.No.42 of 2018	II Additional District Judge, Thoothukudi	Pending
2	O.S.No.79 of 2018	I Additional District Judge, Thoothukudi	Pending
3	O.S.No.108 of 2018	District Munsif Court at Tiruchendur	Pending
4	O.S.No.168 of 2018	Additional District Munsif Court, Thoothukudi	Pending
5	O.S.No.174 of 2018	Additional District Munsif Court, Thoothukudi	Dismissed



S.No	Case Numbers	Courts	Status
6	O.S.No.176 of 2018	Additional District Munsif Court, Thoothukudi	Pending
7	O.S.No.178 of 2018	Additional District Munsif Court, Thoothukudi	Dismissed

5. The learned counsel for the petitioner submits that in view of the fact that suits have been filed in different Courts, as indicated above, they may be directed to be posted before a particular Court for the convenience of the parties and also in order to avoid the multiplicity of the proceedings and also to have a uniform verdict.

6. We find considerable force in the submission made by the learned counsel for the petitioner. Inasmuch as the relief sought for in all the suits are having cause of action, we deem it fit and appropriate to transfer all the above mentioned pending suits to be tried by the learned First Additional District Judge, Tuticorin. The First Additional District Judge, Tuticorin is directed to dispose of the above mentioned pending cases within a period of one year from the date of receipt of a copy of this Order.

7. In view of the above, the Civil Miscellaneous Petition is closed.

Sd/-

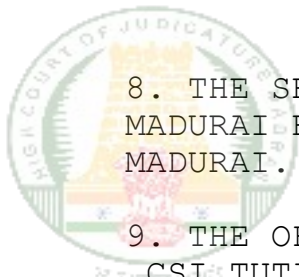
Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

TO

1. I ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI.
2. II ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI'
3. THE DISTRICT MUNSIF, TIRUCHENDUR
4. THE ADDITIONAL DISTRICT MUNSIF, THOOTHUKUDI
5. THE SUB JUDGE, THOOTHUKUDI.
6. THE DISTRICT COLLECTOR, THOOTHUKUDI.



8. THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

9. THE OFFICER INCHARGE,
CSI TUTICORIN - NAZARETH
DIOCESE CALDWELL HIGH SECONDARY SCHOOL
TUTICORIN - 628 001.

COPY TO
THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.J.KINGSLY SOLAMON, Advocate Sr. No.59443
+1CC TO MR.K.SUBBU RANGA BHARATHI, Advocate Sr. No.59442

ORDER DATED : 05/04/2019

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ORDER
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CMP(MD) . No.9344 of 2018
in
LPA(MD) NO.1 of 2018

Giving direction and etc.
as stated within.

KM(CO)
TR (04.06.2019) 4P 13C