

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.Nos. 676 and 677 of 2016 and 32 and 33 of 2017
and
C.M.P.Nos.751 and 752 of 2017 and 17701 of 2016

Tr.C.M.P.No.676 of 2016

1. Mrs.Namagiri
2. S.Sabarish
3.S.Ramana ...Petitioners/Defendants

vs.

1. Ramesh
2.M/s.Savi Enterprises
Rep. by its Shanthskumar,
No.38A, Raja Street,
Coimbatore-1
3.M/s.Guru Enterprises
No.38 A, Raja Street,
Coimbatore-1.
4. Chikkuthamma Chettiar
5. Krishnakumar
6. Indira
7.Najamunnisha
8.Nizamudeen
9.Dowlath Mania
10.Raffiyamsa
11.Daslema
12.Raseema Nilaffur
13. Mustaq Ahamed
14.D.Sathyanarayanan ...Respondents/Defendants

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw
O.S.No.1896 of 2013 from the file of District Munsiff Court,
Coimbatore and transfer the same to the file of Principal
District Court, Coimbatore to be tried along with
O.S.No.161/2015.

For Petitioner	:	Mr.C.Veeraraghavan
For Respondents	:	M/s.B.Kannan R9
		M/s.Y.T.Aravind Ghose
		Government Advocate (R10)

Tr.C.M.P.No.677 of 2016

1. Mrs.Namagiri
2. S.Ramanan
3. S.Sabariram ...Petitioners

vs.

1.M/s.Savi Enterprises
Rep by its partner Santhakumar,
1204/1981, Registered no dt 18.12.1981,
Raja Street, Coimbatore-641001.

2. M/s.Guru Enterprises
No.38, Raja Street,
Coimbatore.

3. Krishnakumar
4. Indira
5. S.Nazumunisha
6. S.Nizamuddin
7. S.Dhowlath Neesa
8. S.Rasleema
9. S.Raffiyamma
10.S.Raseema Nilaffur
11.S.Mustaq Ahamed
12.Ramesh
13.N.Shanthi
14.N.Mahendran
15.Narendraraj ...Respondents

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw
O.S.No.844 of 2013 from the file of II Additional Subordinate
Court, Coimbatore and transfer the same to the file of
Principal District Court, Coimbatore to be tried along with
O.S.No.161/2015.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : M/s.B.Kannan R9
M/s.Y.T.Aravind Ghose
Government Advocate (R10)

Tr.C.M.P.No.32 of 2017

1. Mrs.Namagirithayar
2. S.Sabariram
3. S.Ramanan ...Petitioners/Defendants 1 to 10/
Respondent No.1/Plaintiff

vs.

1.D.Sathyanarayanan
2.S.Nizmunisha
3.Nizamudeen

4. Tmt S. Raseena Nilafur
 5. Tmt. S. Dowlath Neesa
 6. Tmt. S. Dhasleema
 7. S. Mustaq Ahmed
 8. Tmt. S. Raffiyama
 9. The Sub Registrar Joint II Coimbatore
District Collectorate Buildings,
Coimbatore-641018.
 10. The District Collector,
Coimbatore
Office at District Collectorate Buildings,
Coimbatore-641018.
- ... Respondents 2 to 10 /
Respondents 1 to 12 / 1 and 12

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw O.S.No.1545 of 2013 from the file of Principal District Munsiff Court, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : Mr.Y.T.Aravind Ghosh (R10)
Government Advocate
Mr.B.Kannan (R9)

Tr.C.M.P.No.33 of 2017

1. Mrs.Namagirithayar
 2. S.Ramanan
 3. S.Sabariram
- ...Petitioners/Defendant

vs.

S.Arumugam ...Respondent/Plaintiff

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw O.S.No.555 of 2013 from the file of V Additional District Judge, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : Mr.Y.T.Aravind Ghosh (R10)
Government Advocate
Mr.B.Kannan (R9)

C O M M O N O R D E R

Tr.C.M.P.No. 676 of 2016 has been filed to withdraw O.S.No.1896 of 2013 from the file of District Munsiff Court, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

2. Tr.C.M.P.No.677 of 2016 has been filed to withdraw O.S.No.844 of 2013 from the file of II Additional Subordinate Court, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

3. Tr.C.M.P.No.32 of 2017 has been filed to withdraw O.S.No.1545 of 2013 from the file of Principal District Munsiff Court, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

4. Tr.C.M.P.No.33 of 2017 has been filed to withdraw O.S.No.555 of 2013 from the file of V Additional District Judge, Coimbatore and transfer the same to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015.

5. It is represented by the learned counsel for the petitioner that all the suit properties in above suits are one and the same and the issues to be framed for granting of relief in all the suits in respect of suit properties are also one and the same and further the evidence to be let in all the suits are also one and the same and therefore, seeks transfer of the suit in O.S.Nos.1896 of 2013, 844 of 2013, 1545 of 2013 and 555 of 2013 from the respective courts to the file of Principal District Court, Coimbatore to be tried along with O.S.No.161/2015, which was filed by the bonafide purchasers of the suit properties.

6. Heard the learned counsel for the Petitioner. None appears on behalf of the Respondents, except for the respondents 9 and 10 in Tr.C.M.P.No.32 of 2017, in spite of their names printed in the cause list, after service. The learned counsel appearing for the Respondents 9 and 10 in Tr.C.M.P.No.32 of 2017 submitted that the Respondents has no objection to transfer the proceedings to the file of Principal District Court, Coimbatore.

7. All the averments in the affidavit has not been dealt with by this Court. as it needs to be established in the trial. This Court without making any observations with regard to merits of the case, considering the convenience of the parties is of the view that the Transfer Petitions deserve to be allowed.

8. In the result, the proceedings in O.S.No.1896 of 2013 pending on the file of Principal District Munsiff Court, Coimbatore, II, O.S.No.844 of 2013 pending on the file of Additional Subordinate Court, Coimbatore, O.S.No.1545 of 2013 pending on the file of Principal District Munsiff Court, Coimbatore and O.S.No. 555 of 2013 pending on the file of V Additional District Court, Coimbatore are withdrawn from the

respective Courts and are transferred to Principal District Court, Coimbatore, for joint trial along with O.S.No.161 of 2015. The Principal District Court, Coimbatore is expected to conclude the trial, as expeditiously as possible.

9. These Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected C.M.P.'s are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To :

- 1.The Principal District Munsiff Court, Coimbatore.
 - 2.The II Additional Subordinate Court, Coimbatore.
 - 3.The Principal District Munsiff Court, Coimbatore
 - 4.The V Additional District Court, Coimbatore.
 - 5.The Sub Registrar Joint II Coimbatore
District Collectorate Buildings,
Coimbatore-641018.
 - 6.The District Collector,
Coimbatore.
- +4 cc's Mr.C.Veeraraghavan, Advocate,sr.17238,17239, 17237,
17236
- +1 cc to Government Pleader,sr.17369

pp(co)
krd 22/9

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