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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

Tr.C.M.P.No.193 of 2018

and C.M.P.No.5010 of 2018

1.Purushothaman

2.Sivaraj

... Petitioners

Vs.

1.State of Tamil Nadu
rep by the District Collector,
Villupuram.

2.Administrative Director,
Cottage Transplant Committee,
Chennai.

3.The Revenue Divisional Officer,
Villupuram.

4.The Tahsildar,
Vanur Taluk, Villupuram District.

5.Venkatesan

... Respondents

Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the suit in O.S.No.18 of 2009 on the file of the District Munsif Court, Vanur to the I Additional Sub Judge, Tindivanam to be heard and tried along with O.S.Nos.160 of 1996 and 96 of 2003.

For Petitioners: Mr.V.Lakshminarayanan

For Respondents: Mr.R.Subramanian
for Mr.R.Prem Narayanan (R5)

Mr.N.Manikandan,
Government Advocate (R1, R3 & R4)

R2 - not ready in notice



O R D E R

The petitioners have filed the above Transfer Civil Miscellaneous Petition to withdraw and transfer the suit in O.S.No.18 of 2009 on the file of the District Munsif Court, Vanur to the file of the I Additional Sub Court, Tindivanam, to be heard and tried along with O.S.No.160 of 1996 and O.S.No.196 of 2003.

2.The petitioners filed the suit in O.S.No.18 of 2009 on the file of the District Munsif Court, Vanur, for permanent injunction restraining the official respondents 1 to 4 from constructing a house to the 5th defendant viz., the 5th respondent in the Transfer Civil Miscellaneous Petition, till the disposal of the suit in O.S.No.160 of 1996 pending on the file of the I Additional Sub Court, Tindivanam. The respondents in the Transfer Civil Miscellaneous Petition are the defendants in O.S.No.18 of 2009. The petitioners, instead of filing the suit in O.S.No.18 of 2009 for the relief mentioned above, could have filed an Interlocutory Application in O.S.No.160 of 1996 seeking for the said relief.

3.Mr.V.Lakshminarayanan, learned counsel appearing for the petitioners submitted that the defendants in O.S.No.18 of 2009 are not parties to the suit in O.S.No.160 of 1996.

4.It is also brought to the notice of this Court that an application filed by the 5th respondent herein to get himself impleaded in O.S.No.160 of 1996 was rejected by this Court in C.R.P.No.780 of 2014 by order dated 01.03.2018. Further, it is also brought to the notice of this Court that the order passed by this Court has become final. Therefore, the petitioners cannot now file an Interlocutory Application seeking for the relief sought for in O.S.No.18 of 2009 without impleading the 5th respondent as a party in O.S.No.160 of 1996. If the suit in O.S.No.160 of 1996 pending on the file of the I Additional Sub Court, Tindivanam, is decided either way, in such case, the relief sought for in O.S.No.18 of 2009 would become infructuous.

5.In such view of the matter, it would be suffice to direct the I Additional Subordinate Judge, Tindivanam to dispose of the suits in O.S.No.160 of 1996 and O.S.No.196 of 2003, which are being tried jointly, within a time frame and also direct the District Munsif, Vanur to dispose of the suit in O.S.No.18 of 2009 within a specified time. Accordingly, I direct the I Additional Subordinate Judge, Tindivanam, to dispose of the suits in O.S.No.160 of 1996 and O.S.No.196 of 2003, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order and also direct the District Munsif, Vanur to dispose of the suit in O.S.No.18 of 2009 within a period of nine months from the date of receipt of a copy of this order.



6. With these observations, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

va

To

1. The District Munsif Court, Vanur.

2. The I Additional Sub Court, Tindivanam.

+1cc to Mr. R. Prem Narayanan, Advocate SR.No.22003

+1cc to Mr. V. Raghavachari, Advocate SR.No.22017

+1cc to Special Government Pleader SR.No.22198

Tr.C.M.P.No.193 of 2018
and C.M.P.No.5010 of 2018

RSV(CO)
GMY(09/07/2020)