

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.902 of 2019

R.Selvakumar

...Petitioner

vs.

1.Dhivya Roopa

Rep. Through her Power Agent
J.Sivakumar

2. Minor Niharika,

rep. By her natural Guardian and mother,
Mrs.Dhivya Roopa

...Respondents

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer O.S.No.8 of 2019 pending on the file of the Additional District Court, Theni to be heard along with O.S.No.6 of 2017 on the file of the District Court II, Kancheepuram.

For Petitioner	:	Mr.K.V.Babu
For Respondents	:	Mr.V.M.Venkataramana

O R D E R

When the matter is taken up for hearing, learned counsel appearing for the Respondents produced a Consent Affidavit dated 02.01.2020 filed by one J.Sivakumar, who is the father of the 1st Respondent.

2. Learned counsel for the Petitioner submitted that the excess sale consideration of Rs.28,00,000/- (Rupees Twenty Eight Lakhs only) after the auction sale of the suit schedule property in O.S.No.6 of 2017 on the file of the District Court-II, Kancheepuram, would be deposited in the name of his minor daughter, the 2nd Respondent herein, and that, all the pending matters including the Suit in O.S.No.6 of 2017 on the file of the District Court II, Kancheepuram, can be given a quietus to. He further submitted that, based on the decretal order to be passed in the Suit, the parties will seek appropriate judgment and decree before the Additional District Court, Theni.

3. Learned counsel appearing for the Respondents submitted that the 1st Respondent is willing to accept the proposal of the Petitioner and also agreed to receive interest alone accrued from the Fixed Deposit, till the 2nd Respondent attains majority.

4. Parties are directed to file a copy of this order before the Additional District Court, Theni, to seek appropriate judgment and decree.

5. The Consent Affidavit dated 02.01.2020 filed by the father of the 1st Respondent is taken on file and the submissions of the learned counsel are recorded.

The Transfer Civil Miscellaneous Petition is disposed of with the above observations. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

(jas/aeb)

To :

1.The Additional District Judge, Theni.

2.The District Judge-II, Kancheepuram.

+lcc to Mr.K.V.Babu, Advocate, SR.No.248.

+lcc to Mr.VM.Venkatramana, Advocate, SR.No.22.

Tr.C.M.P.No.902 of 2019

MP (CO)
CSR: 31.01.2020
CSR: 10.02.2020