

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.990 of 2019 &

CMP.No.26457 of 2019

Sundaram

..Petitioner

vs.

1. K.B. Ambedkar,
2. K.B. Inbahava
3. K.B. Karlmarx
4. K.B. Bernatsha,
5. K.B. Amensen,
6. K.B. Meena @ Pathi

...Respondents

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer O.S.No.316 of 2012 on the file of Principal Sub-Court, Tiruvannamalai to Sub Court, Tirupattur and to try with O.S.No.113 of 2018 and O.S.No.114 of 2018.

For Petitioner : Mr P.A.Sudesh Kumar
For Respondents : Mr.P.S.Kothandaraman

O R D E R

The Petitioner, has come up with this Petition seeking transfer of O.S.No.316 of 2012 on the file of Principal Sub-Court, Tiruvannamalai to Sub Court, Tirupattur and to try with O.S.No.113 of 2018 and O.S.No.114 of 2018.

2. According to the Petitioner, the petitioner has filed suit in O.S.No.316 of 2012 before the Principal Sub Court, Thiruvannamalai, against the respondents herein . The respondents herein have filed a suit against the petitioner and his vendor seeking permanent injunction. Further, the petitioner's vendor had also filed a suit against the respondents herein seeking to declare the plaint mentioned portion therein as government poramboke and also for such other reliefs. Now both the suits filed by the respondents herein and petitioner's vendor are pending before the Sub Court, Tirupattur as O.S.No.114 of 2018 and O.S.No.113 of 2018 respectively.

3. Learned counsel for the petitioner would submit that all the three suits are between the same parties and the subject property of all the suits are one and the same, hence, in

order to avoid conflict of decisions of the suits pending between the same parties and to avoid multiplicity of proceedings, in respect of same property, it is just and necessary to withdraw and transfer the suit in O.S.No.316 of 2012, which is now pending on the file of Principal Sub Court, Tiruvannamalai to Sub Court, Tirupattur to try along with O.S.No.113 of 2018 and O.S.No.114 of 2018.

4. Heard the learned counsel for the parties. Learned counsel appearing for the Respondent submitted that, the Respondent has no objection to transfer the the suit in O.S.No.316 of 2012 from the file of the Sub Court, Tiruvannamalai, to the file of the Sub Court, Tirupattur.

5. Recording the submissions made by the learned counsel appearing for the Respondent, the suit in O.S.No.316 of 2012 is transferred from the file of the Sub Court, Tiruvannamalai to the file of the Sub Court, Tirupattur for joint trial along with O.S.No.113 of 2018 and O.S.No.114 of 2018. The Sub Court, Tirupattur is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected C.M.P.No.26457 of 2019 is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

(msr)

To :

1. The Subordinate Judge, Tirupattur.
2. The Subordinate Judge, Tiruvannamalai.

+1cc to Mr.PA.Sudesh Kumar, Advocate, SR.No.1606.

Transfer C.M.P.No.990 of 2019 &
CMP.No.26457 of 2019

SJ(CO)

CSR: 18.02.2020