



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

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WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.32 of 2020

and

C.M.P(MD) Nos.621 & 622 of 2020

1.S.P.C.Pandi Mani
2.P.Pandiselvam

... Petitioners

-Vs-

1.P.Jeeva
2.S.V.Pandurangan
3.P.M.Blue Metals,
Through its Proprietris,
P.Jeeva,
Wife of D.R.Premchandrar,
(Aged about 46 years),
No.B-10,
Jaya Bharath Classic City,
Melakkal Main Road,
Kochadai,
Madurai.

... Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., withdrawing the suit in O.S.No.935 of 2019 from the file of the Second Additional Subordinate Court, Madurai and to transfer the same to the file of the Third Additional Subordinate Court, Madurai to be tried jointly along with the earlier suit in O.S.No.1063 of 2018 on the file of the Third Additional Subordinate Court, Madurai.

For Petitioners : Mr.J.Barathan

For R1 & R2 : No appearance

For R3 : Mr.K.Govindarajan

O R D E R

The petitioners, who are the defendants in O.S.No.1063 of 2018 pending on the file of the III Additional Sub Court, Madurai and O.S.No.935 of 2019 pending on the file of the II Additional Sub Court, Madurai, seek transfer of O.S.No.935 of 2019 from the file of



the II Additional Sub Court, Madurai to III Additional Sub Court, Madurai.

2. The first respondent, who is the plaintiff in both the suits, has filed a memo stating that he may be permitted to withdraw the suit in O.S.No.1063 of 2018 pending on the file of the III Additional Sub Court, Madurai with liberty to conduct O.S.No.935 of 2019, since O.S.No.935 of 2019 is a comprehensive suit.

3. The learned counsel appearing for the petitioner would express certain reservations claiming that he proposes to file a petition for rejection of the plaint. In any event, he cannot oppose permission to withdraw, if no liberty to file a fresh suit is sought for.

4. In view of the same, O.S.No.1063 of 2018 is withdrawn from the file of the III Additional Sub Court, Madurai and dismissed as withdrawn.

5. In view of the withdrawal of the suit, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The III Additional Subordinate Judge,
Madurai.

2. The II Additional Subordinate Judge,
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-8953[F] dated 27/02/2020)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-9053[F] dated 28/02/2020)

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JMN(09.03.2020) 2P : 5C