



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

**Tr.C.M.P(MD)No.512 of 2019**

**and**

**C.M.P. (MD) No.11832 of 2019**

Thiagarajar Knitters

... Petitioner/Defendant

**Vs.**

M/s.Madurai Paper Converters,  
Represented by its Partner,  
VR.Lakshmanan

... Respondent/Plaintiff

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S.No.10 of 2019 pending on the file of the District Munsif, Melur and to transfer the same to the file of the VI Additional District Judge, Madurai to be tried along with the suit in O.S.No.121 of 2019 and to the dispose of the same in accordance with law.

For Petitioner : Mr.Babu Rajendran

For Respondent : Mr.K.Suresh

**J U D G M E N T**

The petitioner seeks transfer of O.S.No.10 of 2019 pending on the file of the District Munsif, Melur to the file of the VI Additional District Judge, Madurai to be tried along with the suit in O.S.No.121 of 2019. The suit in O.S.No.10 of 2019 is filed for permanent injunction restraining the landlord from dispossessing him except under due process of law.

2. During the pendency of the said suit, the landlord/petitioner herein has initiated O.S.No.121 of 2019 seeking eviction. The eviction suit is pending before the VI Additional District Judge, Madurai while the injunction suit is pending on the file of the District Munsif, Melur.



3. The only objection raised by the learned counsel for the respondent is that this transfer petition should have been filed before the District Court since both the courts are situated within Madurai District. Jurisdiction to transfer under Section 24 of the Code of Civil Procedure is concurrent. Hence, I do not see any difficulty in entertaining this application. Considering the fact that the property involved in both the suits is same and the parties are also same, both the suits are to be tried together before the VI Additional District Court, Madurai. Hence, the suit in O.S.No.10 of 2019 on the file of the District Munsif, Melur, is withdrawn and transferred to the file of the VI Additional District Court, Madurai to be tried along with O.S.No.121 of 2019.

4. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Munsif, Melur.

2. The VI Additional District Court, Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate ( SR-507[F] dated 07/01/2020 )

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and

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CM

SDS(20.01.2020) 2P-4C