

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.148 of 2020
And
C.M.P.No.5041 of 2020

K.Aravamuthan

.. Petitioner

vs.

1.K.Shanmugasundaram
2.Ramakrishnan
3.Ambujam
4.Ethiraj

(Respondents 2 to 4 are defendants 1 to 3 in
O.S.No.54 of 2019 on the file of III Additional
District Court, Kallakurichi)

(R2 to R4 are impleaded as respondents vide
order of this Court dated 18.01.2021 in
C.M.P.No.5383 of 2020 in TR.CMP.No.148/2020) .. Respondents

PRAYER : The Tr.CMP is filed under Section 24 of Civil Procedure
Code to withdraw the case in O.S.No.121 of 2019 filed by the
respondent from the file of the Principal District Munsif Court,
Tambaram and to transfer the same to file of along with the
O.S.No.54 of 2019 pending on the file of III Additional District
Court, Kallakurichi.

For Petitioner : Mr.R.Kumaravel

For Respondent : Mr.G.Sugadev Rajaguru
[For R1]

R2 to R4 - Not ready in Notice

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O R D E R

The petition for transfer is filed to withdraw
O.S.No.121 of 2019 from the Principal District Munsif Court,
Tambaram and transfer the same to the III Additional District
Court, Kallakurichi and to conduct trial along with O.S.No.54 of
2019 on the file of the III Additional District Court,
Kallakurichi.

2. The learned counsel for the petitioner made a submission that the petitioner has filed O.S.No.54 of 2019 for Partition and separate possession. The suit was instituted in the year 2019 and out of 20 suit properties, 18 properties were situated at Kallakurichi, Villupuram District. Item Nos.19 and 20 of the suit properties alone situate at Tambaram Taluk. Thus, the majority of the suit properties are falling within the jurisdiction of the Additional District Court at Kallakurichi. This apart, the petitioner filed the suit for Partition and the respondent filed O.S.No.121 of 2019 before the Principal District Munsif Court, Tambaram for bare injunction only against the petitioner herein. The other respondents in O.S.No.54 of 2019 are not the parties to the litigation in O.S.No.121 of 2019. Thus, It is preferable to transfer the suit from Tambaram to Kallakurichi.

3. In the present case, the suit for partition is the main suit, which was instituted in O.S.No.54 of 2019 by the petitioner before the III Additional District Munsif Court at Kallakurichi. Out of 20 items of suit properties, 18 items of suit properties are falling within the jurisdiction of the Court at Kallakurichi and Item Nos.19 and 20 alone are falling under the territorial jurisdiction of the Court at Tambaram Taluk. This apart, the suit in O.S.No.54 of 2019 was instituted, impleading of the necessary parties. However, O.S.No.121 of 2019 is the suit for bare injunction, which was instituted only against the petitioner in the present Transfer Petition. Thus, O.S.No.121 of 2019 is to be tried along with O.S.No.54 of 2019.

4. This being the factum, O.S.No.121 of 2019 now pending before the Principal District Munsif Court, Tambaram stands transferred to III Additional District Court, Kallakurichi to be tried along with O.S.No.54 of 2019.

5. Accordingly, the Transfer Civil Miscellaneous Petition in TR.CMP.No.148 of 2020 stands allowed and O.S.No.121 of 2019 pending on the file of the Principal District Munsif Court, Tambaram is directed to be transferred to the III Additional District Court, Kallakurichi. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Munsif,
Principal District Munsif Court,
Tambaram.

2.The III Additional District Judge,
Kallakurichi.

+lcc to Mr.R.Kumaravel, Advocate SR.No. 2349

Tr.CMP No.148 of 2020

A.SK(18.03.2021)



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