

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.02.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.222 of 2020
and
C.M.P.No.6678 of 2020

Ms.Rasiya @ Deepa

.. Petitioner

vs.

1.Ramesh
2.Rajavel
3.Mrs.Sivagami
4.Annadurai

.. Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw the suit in O.S.No.96 of 2018, on the file of District Munsif Court, Harur and to transfer the same to try along with the P.O.P.No.21 of 2019 in O.S.No. Unnumbered of 2019 pending on the file of Sub Court, Thiruvannamalai.

For Petitioner : Mr.C.Prabakaran
For Respondents : No
appearance

O R D E R

The respondents instituted a suit in O.S.No.96 of 2018 for Mandatory injunction.

2. The suit is now pending before the District Munsif Court at Harur, Dharmapuri District.

3. The petitioner filed P.O.P.No.21 of 2019, seeking permission of the Court under Order 33 Rule 1 & 2, to institute a suit as an indigent person.

4. The learned counsel for the petitioner states that the petitioner is unemployed and not having independent source of income. Thus, she is not in a position to contest the case filed by the respondents before the Court at Harur in O.S.No.96 of 2018.

5. This Court is of the opinion that the two cases filed are connected and the parties are also one and the same. In the event of separate trial, the same would cause

prejudice to the parties and there is a likelihood of conflicting judgments.

6. Thus, O.S.No.96 of 2018 pending on the file of the District Munsif Court, Harur, Dharmapuri District is directed to be transferred to the Sub Court, Chengam, Tiruvannamalai District, to be tried along with P.O.P.No.21 of 2019.

7. Accordingly, this Transfer Civil Miscellaneous Petition No.222 of 2019 stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/
Sub Asst. Registrar

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To

1.The Judge,
District Munsif Court,
Harur, Dharmapuri District

2.The Judge,
Sub Court,
Chengam,
Tiruvannamalai District.

+1 cc to M/s.C.Prabakaran Advocate sr10004

Tr.CMP No.222 of 2020

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