

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.407 of 2020

And

C.M.P.No.7193 of 2020

1.Dr.Udai Pratap Singh Yadav
2.Mr.Sathyaprakash Singh Yadav
3.Mr.Somprakash Yadav
4.Dr.Swappan kumar Ghosh
5.Mr.Laxman Yadav
6.Mr.A.Radhakrishnan
7.Mr.K.Neelamurali Yadav
8.V.Muruganandam
9.Mr.M.Veeranan Yadav

.. Petitioners

vs.

1.Mr.T.Sampath Kumar
2.All India Yadav Mahasabha
Sri Krishna Bhawan
Sector - IV, Vaishali,
Ghaziabad - 201 011
3.Mr.L.Nandagopal Yadav
4.Mr.E.Venkataraman Yadav
5.Mr.S.Jayakumar
6.Mr.V.Pandiyan
7.Mr.M.Ruthramurthy
8.Mr.V.Kannan

.. Respondents

PRAYER : The Tr.CMP is filed under Section 24 of Civil Procedure Code to withdraw the suit in OS.No.278 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Sriperumbudur and transfer the same and may be tried along with O.S.No.564 of 2017 on the file of the VIIth Assistant City Civil Court, Chennai.

For Petitioners :Mr.A.Thiyagarajan
Senior counsel

For Mr.M.Nalla Thambi

For Respondent :Mr.L.Nandagopal Yadav
(party in person)

No appearance for R1, R2, R4 to R8

O R D E R

The petition for transfer is filed to transfer O.S.No.278 of 2016 from District Munsif cum Judicial Magistrate Court, Sriperumbudur to VIIIth Assistant City Civil Court, Chennai and may be tried along with O.S.No.564 of 2017.

2. O.S.No.278 of 2016 is filed by one Mr.T.Sampath Kumar for Declaration and Permanent Injunction. O.S.No.564/2017 filed by Mr.S.Gaurishankar Yadav for Declaration and Permanent Injunction. Both the suits are filed for Declaration and Permanent Injunction. The defendants in both the suits residing in various places, more specifically, in other States as well as in the State of Tamil Nadu. However, the plaintiffs in both the cases are residing in Chennai.

3. The learned counsel for the respondent raises various other disputes and those disputes on merits cannot be adjudicated in a Transfer Petition. Transfer Petitions are filed to try a suit in order to avoid inconsistent decisions by various Courts. This being the prime object in filing the Transfer Petitions and in the present case, this Court is of the considered opinion that it will be convenient for both the plaintiff to conduct the case at Chennai. Thus, this Court is inclined to transfer the case from District Munsif cum Judicial Magistrate Court, Sriperumbudur to the VIIIth Assistant City Civil Court, Chennai. All other disputes and issues raised between the parties may be adjudicated with reference to the documents and evidences filed by the respective parties. Thus, this Court is not inclined to record any findings in respect of the merits of the case raised by the parties.

4. Accordingly, this Transfer Civil Miscellaneous Petition No.407 of 2020 stands allowed and the suit in O.S.No.278 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Sriperumbudur is directed to be transferred to VIIIth Assistant City Civil Court, Chennai, to be tried along with O.S.No.564 of 2017. The Trial Court is requested to expedite the trial as expeditiously as possible and the parties to the suit are directed to co-operate for the early disposal of the suit. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif cum
Judicial Magistrate Court,
Sriperumbudur.

2.The VIIIth Assistant City
Civil Court, Chennai,

+1 cc to M/s.M.Nallathambi, Advocate Sr.No. 1792

Tr.CMP No.407 of 2020

GMR (CO)

RMP (19/02/2021)



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