

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.923 of 2019
C.M.P.No.25249 of 2019 & 2708 of 2020

Ramadevi

... Petitioner

vs.

1.The District Collector-Ariyalur District,
District Collectorate, Jayankondam Road,
Ariyalur-621 704.

2.The Tahsildar, Ariyalur Taluk,
Villa Ngara, Ariyalur, Tamil Nadu-621 704.

3.The Tahsildar, Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu-603 001.

4.G.Oppilamani

5.Amulu @ Visalakshi

6.Sampath Kumari

...Respondents

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.120 of 2018 pending on the file of the District Munsif Court, Ariyalur District and transfer the same to be tried along with O.S.No.178 of 2019 pending on the file of the District Munsif Court, Chengalpattu, Kancheepuram District and to fix a specific period of time to complete the suit.

For Petitioner: Mr.I.Prakash Raj

For Respondent: Mr.S.Jeganathan
Government Advocate (CS)
for RR1 to 3
M/s.Usha Ramman for R4 & R5

No-appearance for R6.

O R D E R

The Transfer Civil Miscellaneous Petition is filed to to withdraw O.S.No.120 of 2018 pending on the file of the District Munsif Court, Ariyalur District and transfer the same to be tried along with O.S.No.178 of 2019 pending on the file of the District Munsif Court, Chengalpattu, Kancheepuram District and to fix a specific period of time to complete the suit.

2. The suit in O.S.No.120 of 2018 was instituted by the 4th respondent/Mr.G.Oppilamani, before the District Munsif Court, Ariyalur for declaration and mandatory injunction. Admittedly, the suit properties situate at Ariyalur District. During the pendency of the suit, another suit in O.S.No.178 of 2019 was filed by the petitioner for declaration to declare the plaintiffs as the class-I legal heirs of the Late.Jayaraman S/o.Govindhasamy and to direct the defendants to issue the legal heirship certificate of late.Jayaraman. However, O.S.No.120 of 2018 is for declaration and mandatory injunction which was instituted before the Court at Ariyalur and the suit properties situate at Ariyalur District. This apart, O.S.No.120 of 2018 was filed prior to O.S.No.178 of 2019. Thus, it is preferable to have a joint trial before the District Munsif Court, Ariyalur as the second suit is only for declaration.

3. This being the factum, the suit filed by the petitioner in O.S.No.178 of 2019 pending before the District Munsif Court at Chengalpattu, Kancheepuram District stands transferred to the District Munsif Court, Ariyalur District to be tried along with O.S.No.120 of 2018.

4. Accordingly, the Transfer Civil Miscellaneous Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssb

To

1. The District Munsif Court at Chengalpattu,
Kancheepuram District.
2. The District Munsif Court,
Ariyalur District.
- 4.The District Collector-Ariyalur District,
District Collectorate, Jayankondam Road,
Ariyalur-621 704.
- 5.The Tahsildar, Ariyalur Taluk,
Villa Ngara, Ariyalur, Tamil Nadu-621 704.
- 6.The Tahsildar, Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu-603 001.

+1cc to Mr.Usha Ramman, Advocate Sr.2292

+1cc to the Additional Government Pleader Sr.2888

Tr.C.M.P.No.923 of 2019

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srg 01/02/2021

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