

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.Nos.173, 174, 175, 176 of 2017
and
C.M.P.Nos.3123, 3124, 3125, 3126, 3127 of 2017

R.Uma Maheswari ..Petitioner in all Tr.C.M.P's
vs.

1.T.VMyIsamy
2.V.Ramasamy
3.N.Vijayalakshmi ..Respondents in all Tr.C.M.P's

PRAYER IN TR.CM.P.No.173 of 2017 : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the suit in O.S.No.692 of 2010 pending on the file of the Sub-Court, Tiruppur to the 1st Additional District Court, Coimbatore to be tried along with the suits in O.S.No.322 of 1999, O.S.No.362 of 2015, O.S.No.56 of 2008 and O.S.No.351 of 2006.

PRAYER IN TR.CM.P.Nos.174 to 176 of 2017 : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the suit in O.S.Nos.95 of 2012, 218 of 2014, 219 of 2014 pending on the file of the Principal District Court, Tiruppur to the 1st Additional District Court, Coimbatore to be tried along with the suits in O.S.No.322 of 1999, O.S.No.362 of 2015, O.S.No.56 of 2008 and O.S.No.351 of 2006.

For Petitioner : M/s.S.Kingston Jerold
in all petitions

C O M M O N O R D E R

The transfer petition in Tr.C.M.P.No.173 of 2017 is filed to withdraw and transfer the suit in O.S.No.692 of 2010 pending on the file of the Sub-Court, Tiruppur to the 1st Additional District Court, Coimbatore to be tried along with the suits in O.S.No.322 of 1999, O.S.No.362 of 2015, O.S.No.56 of 2008 and O.S.No.351 of 2006.

2. The Transfer petitions in Tr.C.M.P.Nos.174 to 176 of 2017 are filed to withdraw and transfer the suit in O.S.Nos.95 of 2012, 218 of 2014, 219 of 2014 pending on the file of the Principal District Court, Tiruppur to the 1st Additional District Court, Coimbatore to be tried along with the suits in O.S.No.322 of 1999, O.S.No.362 of 2015, O.S.No.56 of 2008 and O.S.No.351 of 2006.

3. The parties in the present Transfer Civil Miscellaneous Petitions are brothers and sisters. The suit for partition is filed and various other suits are also filed.

4. The learned counsel for the petitioner made a submission that the four suits are pending before the Court at Coimbatore and they are O.S.Nos.322 of 1999, 362 of 2015, 56 of 2008 and 351 of 2006. Four more suits are pending before the Principal District Court, Tiruppur and they are O.S.Nos.692 of 2010, 219 of 2014, 218 of 2014, 95 of 2012. The learned counsel for the petitioner made a submission that the parties to all the suits are brothers and sisters. Therefore, all these suits are to be tried before the same court in order to maintain inconsistency.

5. Perusal of the complaints enclosed in the typed set of papers reveal that most of the properties situate at Tiruppur District. In view of the fact that the majority of the properties situate at Tiruppur falling within the jurisdiction of the Principal District Court, Tiruppur, this Court is inclined to transfer the suits pending before the Court at Coimbatore to the Principal District Court, Tiruppur which would proper and the parties will be in a position to adjudicate all the cases consistently. In this view of the matter, the suits now pending before the Court at Coimbatore in O.S.Nos.322 of 1999, 362 of 2015, 56 of 2008, 351 of 2006 are transferred to the Principal District Court, Tiruppur to be tried along with O.S.No.692 of 2010, 219/2014, 218/2014, 95/2012. All the parties to the suits are directed to co-operate for the earlier disposal of the suit. The Court at Tiruppur is directed to not grant any unnecessary adjournments on flimsy grounds. Adjournments on genuine grounds are to be granted only by recording reasons. The suits are pending for long years. Therefore, the Court at Tiruppur is directed to dispose the suit as expeditiously as possible.

6. Accordingly, the transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judge,
Principal District Court, Tiruppur

2.The Judge,
1st Additional District Court, Coimbatore.

3.The Subordinate Judge
Tiruppur

+1 CC to M/s.S. Kingston Jerold, Advocate sr 4272.

Tr.CMP.Nos.173, 174, 175, 176 of 2017

RP (CO)
SP(17/03/2021)



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