

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04-01-2021

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.Nos.657 and 907 of 2017

And

C.M.P.Nos.12853 and 18383 of 2017

1.Valarmathi Selvam
2.Kokila Priya
3.Mohana Prasad

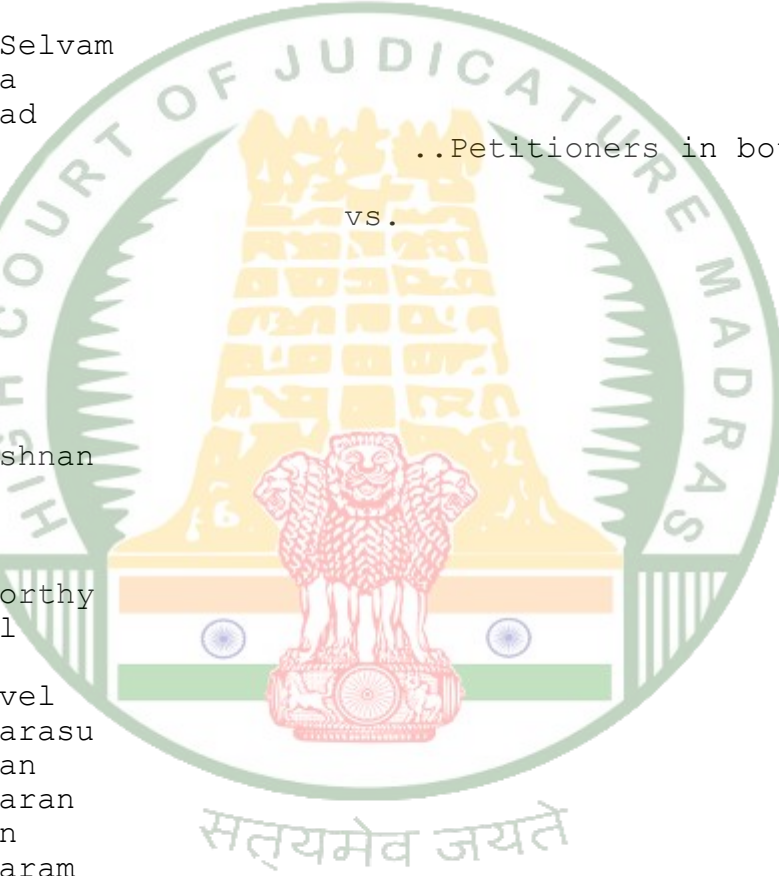
...Petitioners in both Tr.CMPs

vs.

1.K.Saravanan
2.Saraswathi
3.Arokiyasami
4.P.Royappan
5.R.Thekkaraj
6.D.Muthu Krishnan
7.M.Savithri
8.S.Natarajan
9.M.Ganesan
10.K.Kesavamoorthy
11.P.Palanivel
12.P.Selvaraj
13.G.Sengottuvel
14.Thirunavukarasu
15.A.Sengotayan
16.V.Ambeeshwaran
17.S.Rajendran
18.Mohanasundaram
19.E.Ramaswamy
20.A.Shanmugham
21.A.Rajendran
A.Rajendran
22.Rajammal
23.Rajendran
24.A.Sambandhamoorthy
25.E.Anbazhagan
26.S.Chandran
27.A.Rajee
28.Rangaswamy
29.Palanivel

...R21 in Tr.C.M.P.Nos.657/2017

...R21 in Tr.C.M.P.Nos.907/2017



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30.R.Illayappan

31.N.Jeganathan

32.Kotak Mahindra Bank

Represented by its Branch Manager,
B-17, Ishwariyam Building,
Thillai Nagar, Sasthri Road,
Near Kotai Railway Station,
Trichy.

33.B.Venu Gopal

..Respondents in both Tr.C.M.Ps

34. T.S. Nallendiran

..34th Respondent in Tr.C.M.P.Nos.907/2017.

Transfer CMP No.657 of 2017 is filed under Section 24 of the Civil Procedure Code to transfer O.S.No.129 of 2015 pending on the file of Additional District Court-II, Trichirapalli, now transferred to Additional District Court (Mahila Court), Trichirapalli, to be jointly with O.S.No.223 of 2015 pending on the file of the Principal District Court, Namakkal.

Transfer CMP No.907 of 2017 is filed under Section 24 of the Civil Procedure Code to transfer O.S.No.119 of 2017 pending on the file of District Court, Tiruchirapalli to be jointly tried with O.S.No.223 of 2015 pending on the file of the Principal District Court, Namakkal.

For Petitioners in both Tr.CMPs : Mr.C.Jagadish

For Respondents-13to32 in both Tr.CMPs:No Appearance

For Respondent-33 in both Tr.CMPs : Mr.J.Ramkumar

For 2nd Respondent in both Tr.C.M.Ps : Mr.K.R. Samratt

C O M M O N O R D E R

The petitions for transfer under Section 24 of the Code of Civil Procedure are filed mainly on the ground that along with O.S.Nos.129 of 2015 and 119 of 2017, another suit in O.S.No.223 of 2015 pending before the Principal District Court, Namakkal are to be tried jointly.

2. The learned counsel appearing on behalf of the petitioners states that unless the suits now pending before the Tiruchirappalli in O.S.Nos.129 of 2015 and 119 of 2017 are tried along with the suit pending before the Principal District Court, Namakkal in O.S.No.223 of 2015, the same would cause prejudice to the interest of the parties to the suit. There is a possibility of diverse judgment and therefore both the suits are to be tried by the same Court.

3. The issues raised on merits deserve no consideration as the parties are bound to adjudicate the same before the Trial Court with reference to documents and evidences available.

4. As far as the transfer petitions are concerned, it is brought to the notice of this Court that the Trial Court has already commenced trial in O.S.No.129 of 2015 pending before the Additional District Court-II, Tiruchirappalli.

5. The fact regarding the commencement of trial is not disputed by both the parties to the petitions on hand. Thus, transferring the petition from Tiruchirappalli to Namakkal is not preferable. Contrarily, the suit pending before the Namakkal Court shall be transferred to Tiruchirappalli for the purpose of conducting the trial along with O.S.No.129 of 2015 in which the trial has already commenced. The other issues raised in the present petitions deserve no merit consideration as the trial has already commenced in O.S.No.129 of 2015 by the Additional District Court No.II, Tiruchirappalli. Under these circumstances, O.S.No.223 of 2015 pending on the file of the Principal District Court, Namakkal and O.S.No.119 of 2017 pending on the file of the District Court, Tiruchirappalli stand transferred to the Additional District Court No.II, Tiruchirappalli to be tried along with O.S.Nos.129 of 2015.

6. Accordingly, Transfer Civil Miscellaneous Petition Nos.657 and 907 of 2017 stand disposed of and O.S.No.223 of 2015 pending on the file of the Principal District Court, Namakkal and O.S.No.119 of 2017 pending on the file of the District Court, Tiruchirappalli stand transferred to the Additional District Court No.II, Tiruchirappalli to be tried along with O.S.Nos.129 of 2015. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-III)

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Sub-Assistant Registrar

To

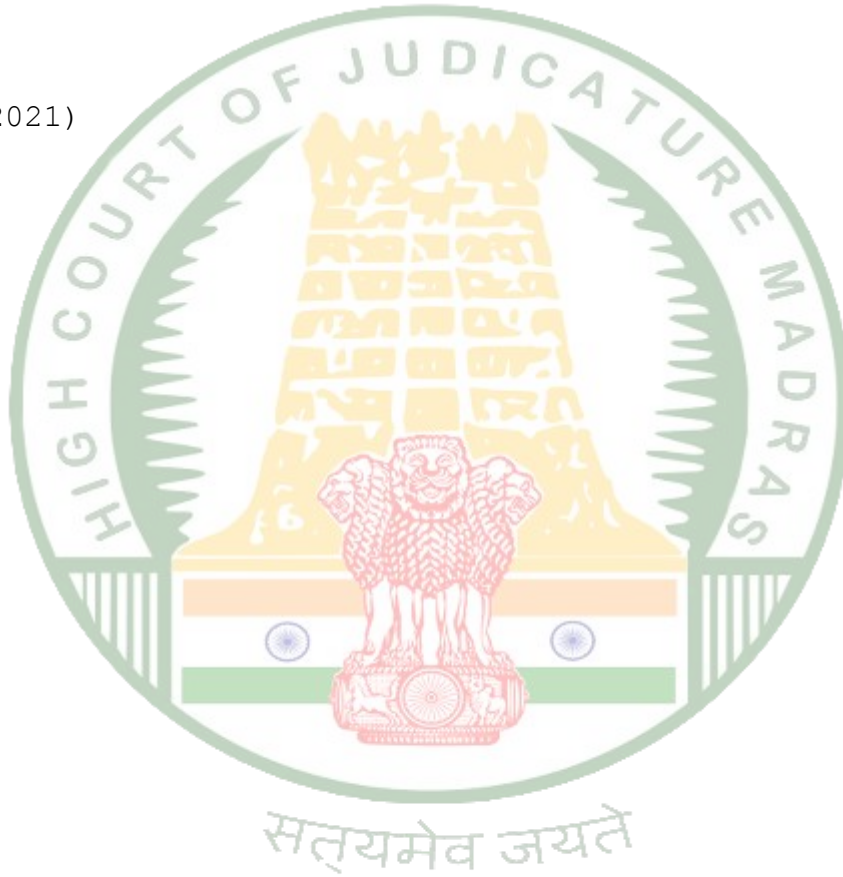
1.The II Additional District Judge,
II Additional District Court,
Tiruchirappalli.

2.The Principal District Judge,
Principal District Court,
Namakkal.

+1 Cc to Mr.S. Senthil, Advocate sr 658.
+1 CC to Mr.K.R. Samratt, Advocate sr 657.
+1 CC to Mr.C.Jagadish, Advocate sr 83.
+1 CC to Mr.J.Ramkumar, Advocate sr 17.

Tr.CMP Nos.657 and 907 of 2017

MP(CO)
SP(02/02/2021)



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