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Tr.CMP.No.215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

TR.CMP.No.215 of 2022
and
CMP.Nos.4550 & 4547 of 2022

1.Poovai
2.Thirumagal
3.Perarasi
4.Radjasekaran
5.Prakash
6.Suresh Babu
7.Paneerselvam

... Petitioners

Vs.

Rahima

... Respondent

PRAYER: The Memorandum of Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to transfer both the suits in OS.No.21 of 2021 on the file of the Additional District Judge, Tindivanam and OS.No.1546 of 2021 on the file of the Principal District Munsiff, Pondicherry and to withdraw and post the same before any other Court for a joint trial.

For Petitioners : Mr Muralikumaran for
M/S MCGAN Law Firm

For Respondent : Mr.G.Baskar



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Tr.CMP.No.215 of 2021

ORDER

The petition has been preferred to withdraw and transfer the suits in OS.No.21 of 2021 on the file of the Additional District Judge, Tindivanam and OS.No.1546 of 2021 on the file of the Principal District Munsif, Pondicherry and post the same before any other Court for a joint trial.

2. The Civil Revision Petitioners are the defendants in both the suits, filed by the respondent/plaintiff. The suit in OS.No.21/2021 was filed by the respondent before the learned Additional District Judge, Tindivanam and the other suit in OS.No.1546 of 2021 was filed before the learned Principal District Munsif, Pondicherry.

3. Heard the learned counsels on either side and perused the materials available on record.

4. The learned counsel for the revision petitioners submitted that since the properties of the subject matter and the parties are same, either of the above suits may be withdrawn and transfer to other court and to be tried together. He further submitted that since the Principal District Munsif, Pondicherry cannot usurp the jurisdiction of the higher court if OS.No.21/2021, it would be ideal if OS.No.1546/2021 which is pending on the file of the Principal District Munsif, Pondicherry is withdrawn and



Tr.CMP.No.215 of 2022

transferred to the Additional District Judge, Tindivanam and to be tried jointly along with OS.No.21/2021 which is already pending there.

5. The respondent has no objection to allow this Transfer Civil Miscellaneous Petition.

6. Considering the submissions made by the learned counsels appearing on either side, the present Transfer Civil Miscellaneous Petition is **allowed** and the suit filed by the petitioner in OS.No.1546/2021, is ordered to be withdrawn from the Principal District Munsif, Pondicherry and transferred to the Additional District Judge, Tindivanam to be tried jointly along with OS.No.21/2021 which is already pending there. The learned Principal District Munsif, Pondicherry is directed to transmit all the records pertaining to OS.No.1546 of 2021 to the file of the Additional District Judge, Tindivanam, within a period of two weeks from the date of receipt of a copy of this order. No costs. Connected civil miscellaneous petitions are also closed.

24.06.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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Tr.CMP.No.215 of 2022

R.N.MANJULA, J.,

jrs

To

1. The Additional District Judge, Tindivanam
2. The Principal District Munsiff, Pondicherry.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.

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