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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.Nos.176 and 177 of 2020
and
C.M.P.Nos.5772 and 5776 of 2020

S.Muthusamy .. Petitioner in both Tr.C.M.Ps

-Vs.-

Arun Kumar ... Respondent in Tr.C.M.P.No.176 of 2020

1. M.Madeswari
2. K.Muthusamy
3. Bagyam
4. Dandapani
5. Sasikala
6. Suguna
7. Arunkumar ..Respondents in Tr.C.M.P.No.177 of 2020

Prayer in Tr.C.M.P.Nos.176 and 177 of 2020:-

Transfer Civil Miscellaneous Petitions filed under Section 24 of C.P.C praying to withdraw C.M.A.Nos.12 and 7 of 2019 pending on the file of the Principal District Judge, Namakkal and pending on the file of the Additional District Judge, Namakkal and transfer the same to this Court to be heard along with C.R.P.Nos.3699 and 3700 of 2019, pending on the file of this Court.

Prayer in CRP No.3699 & 3700 of 2019:-

To set aside the order & decreetal order dated 04.03.2019 made in R.E.P.No.138 of 2007 in O.S.No.617 of 1999 & R.E.A.No.25 of 2018 in R.E.P.No.138 of 2007 on the file of the Additional Sub Court, Namakkal.

For petitioner : Mr.D.Dhanyakumar
in both Tr.C.M.Ps

For Respondent :
in Tr.C.M.P.No.176 of 2020 : Served-No Appearance



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For respondents-1, 2 and 7
in Tr.C.M.P.No.177 of 2020 : Served-No Appearance

For Respondents-3 to 6
in Tr.C.M.P.No.177 of 2020 : Not pressed, vide
Memo dated 09.03.2022

COMMON ORDER

These transfer civil miscellaneous petitions are filed in respect of the decree in O.S.No.617 of 1999 on the file of the Sub Court, Namakkal. E.P.No.138 of 2007 and E.A.No.3482 of 2002 were filed by the petitioner on the file of Sub Court, Namakkal. The seventh respondent in Tr.C.M.P.No.177 of 2020 had filed E.A.No.138 of 2008 on the file of the Additional Sub Court, Namakkal. Likewise, E.A.No.25 of 2018 was filed by the sister of the seventh respondent in Tr.C.M.P.No.177 of 2020, one Gomathy, on the file of the Additional Sub Court, Namakkal.

2. All the proceedings were disposed of by the learned Additional Subordinate Judge, Namakkal on 04.03.2019. E.P.No.138 of 2007 and E.A.No.3482 of 2002 filed by the petitioner were dismissed. E.A.No.138 of 2008 filed by the seventh respondent in Tr.C.M.P.No.177 of 2020 and E.A.No.25 of 2018 filed by the sister of the seventh respondent, were allowed. Against the order made in E.P.No.138 of 2007 and E.A.No.25 of 2018, C.R.P.Nos.3699 and 3700 of 2019 have been filed before this Court and the same are pending. C.M.A.No.12 of 2019 and C.M.A.No.7 of 2019 are preferred against the order passed in E.A.No.3482 of 2002 and E.A.No.138 of 2008 on the file of the Additional District Court, Namakkal .

3. A detailed order has been passed in E.A.No.25 of 2018 and on the basis of this order, all the other orders followed. Therefore, these matters have to be tried together and a common order has to be passed by this Court.

4. C.M.A.Nos.12 and 7 of 2019 were filed before the Principal District Judge, Namakkal only on account of the fact that the jurisdiction vested with that Court. Since the issues are common, the petitioner has come forward with these petitions seeking transfer.

5. Heard the learned counsel for the petitioner. The sole respondent in Tr.C.M.P.No.176 of 2020 and respondents 1, 2 and 7, though served, have not entered appearance. Therefore, this Court had proceeded to hear the learned counsel for the petitioner.



6. As rightly pointed out by the learned counsel for the petitioner, the issues involved in all the matters are the same and two of the matters are pending before this Court. Therefore, interest of justice requires that all the matters be heard before the same Forum, so as to avoid conflicting judgments. Consequently, these transfer civil miscellaneous petitions are ordered as prayed for. C.M.A.Nos.12 and 7 of 2019 are withdrawn from the file of the Principal District Court, Namakkal and the same shall stand transferred to the file of this Court, and the same be heard along with C.R.P.Nos.3699 and 3700 of 2019. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn /ab

To

1. The Principal District Judge,
Namakkal
2. The Additional District Judge,
Namakkal.
3. The Section Officer,
V.R.Section,
High Court, Madras.

Tr.C.M.P.Nos.176 and 177 of 2020
and
C.M.P.Nos.5772 and 5776 of 2020

SVI (CO)
SU(02/05/2022)