



WEB COPY



Tr.CMP.No.1044 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.CMP.No.1044 of 2022

and

C.M.P.No.18034 of 2022

K.Saminathan

... Petitioner

Vs.

1. R.Karthik Raja

2. R.Murthy

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code pleased to withdraw O.S.No.109 of 2019 on the file of the Subordinate Court, Periyakulam and transfer the same to the I Additional District Court, Tirupur to be tried along with O.S.No.479 of 2019 on the file of the I Additional District Court, Tirupur.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : No Appearance



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ORDER

The Transfer Civil Miscellaneous Petition has been filed by the petitioner herein seeking transfer of O.S.No.109 of 2019 pending on the filed the Subordinate Court, Periyakulam to I Additional District Court, Tirupur for joint trial along with O.S.No.479 of 2019 filed by 2nd respondent.

2. According to the petitioner, O.S.No.109 of 2019 was filed by the 1st respondent only at the instigation of 2nd respondent who is plaintiff in O.S.No.479 of 2019 on the file of the I Additional District Court, Tirupur.

3. A reading of the plaint in both the suits make it clear that the suits were based on different promissory notes executed in favour of two different individuals. Merely because the debtor in both the promissory notes is one and the same, it is not open to him to seek transfer of the suit filed by the 1st respondent before the Subordinate Court, Periyakulam for joint trial along with suit in O.S.No.479 of 2019 on the file of the I Additional District Court, Tirupur filed by the 2nd respondent. It is always open to the petitioner to raise his objection with regard to the territorial jurisdiction of the Court concerned, by filing a written statement.



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4. With these observations, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

26.10.2022
(¹/₂)

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To

1. The Subordinate Court, Periyakulam.
2. The I Additional District Court, Tirupur



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S.SOUNTHAR, J.

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26.10.2022

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