



Tr.C.M.P(MD)No.234 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.234 of 2022

and

C.M.P(MD) No.4051 of 2022

1.Thangarathinam
2.Dr.Sankari

... Petitioners

-Vs-

1.Minor Surya
2.Minor Naren

... Respondents

(Both minors are represented by the natural guardian mother V.Meena)

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case pending in S.O.P.No.4 of 2021 from the file of the Principal District Court, Karur and transfer the same to the III Additional District and Sessions Court, Trichy to try the same along with the case pending O.S.No.69 of 2017 for the disposal of the case on merits and in accordance with law.

For Petitioner : Mr.R.Gandhi

For Respondent : Mr.L.Infant Dinesh



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ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer S.O.P.No.4 of 2021 from the file of the Principal District Court, Karur to the III Additional District and Sessions Court, Trichy, to try along with O.S.No.69 of 2017, pending on its file.

2.The learned counsel appearing for the petitioner submits that the petitioner herein is the defendant in S.O.P.No. 4 of 2021, which is pending on the file of the Principal District Court, Karur. He further submits that with regard to the issue involved in the present suit, two other suits are also pending before the III Additional District and Sessions Court, Trichy in O.S.Nos. 69 of 2017 and 386 of 2021. In order to avoid conflicting of judgments, the suit in S.O.P.No. 4 of 2021 has to be transferred to the III Additional District and Sessions Court, Trichy and to be tried along with two other suits pending on its file.



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3.The learned counsel appearing for the respondent admits that there are two other proceedings pending before the III Additional District and Sessions Court, Trichy in connection with the same issue involved in the present suit and hence he is not having any objection to transfer S.O.P.No.4 of 2021 from the file of the Principal District Court, Karur to the III Additional District and Sessions Court, Trichy.

4.In view of the submissions made by either side counsel that the issues and the parties in all three suits, viz.,S.O.P.No.4 of 2021 on the file of the Principal District Court, Karur and O.S.Nos. 69 of 2017 and 386 of 2021 on the file of the III Additional District and Sessions Court, Trichy are one and the same, this Civil Revision Petition is allowed. The suit in S.O.P.No.4 of 2021 on the file of the Principal District Court, Karur is withdrawn and ordered to be transferred to the file of the III Additional District and Sessions Court, Trichy. The learned Principal District Judge, Karur is directed to transmit the entire records to the III Additional District and



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Sessions Court, Trichy forthwith and the learned III Additional District and Sessions Judge, Trichy, who in turn shall try the suit in S.O.P.No.4 of 2021, along with O.S.Nos.69 of 2017 and 386 of 2021 and decide the issue on its own merits and in accordance with law as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The Principal District Court, Karur.
- 2.The III Additional District and Sessions Court, Trichy.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Order made in
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11.11.2022