



Tr.C.M.P(MD)No.583 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.583 of 2022

and

C.M.P(MD) No.9321 of 2022

Dream View Tea & Coffee Estate Private Ltd,
Through its Power of Attorney,
Mr.R.Nithiskumar,
S/o Ramakrishna,
Having office at
No.33, 4th Floor, Rutland Towers,
Shafi Mohammed Street,
Greams Road,
Chennai – 600 006.

... Petitioner

-Vs-

D.Doss

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to pass an order to withdraw the case in O.S.No.69 of 2019 on the file of the District Munsif Court, Andipatti, Theni District and to transfer the same to the file of the District Munsif Court, Uthamapalayam, Theni District to try along with the suit in O.S.No.62 of 2019 pending before the said Court.



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For Petitioner : Mr.D.Balamurugapandi

ORDER

This Transfer Civil Miscellaneous Petition is filed for transfer of the suit in O.S.No.69 of 2019 from the file of the District Munsif Court, Andipatti to the file of the District Munsif Court, Uthamapalayam to try along with the suit in O.S.No.62 of 2019 pending on its file.

2.The learned counsel appearing for the petitioner submits that the suit in O.S.No.69 of 2019 was filed by the petitioner/plaintiff for the relief of permanent injunction as against the respondent herein. The petitioner has approached this Court for transfer of the suit in O.S.No.69 of 2019, which is now pending on the file of the District Munsif Court, Andipatti to the District Munsif Court, Uthamapalayam that the respondent has already filed a suit in O.S.No.62 of 2019 as against this petitioner on the very same suit schedule property.



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3.The learned counsel further submits that the suit in O.S.No.62 of 2019 is ripe for trial. Hence, the suit in O.S.No.69 of 2019 filed by the petitioner has to be posted along with the suit in O.S.No.62 of 2019, since the suit schedule property and the parties are common in both the suits.

4.On the suggestion made by this Court that the petitioner herein instead of prosecuting the suit in O.S.No.69 of 2019 pending on the file of the District Munsif Court, Andipatti, they can very well file a counter claim in O.S.No.62 of 2019, which is already ripe for trial before the District Munsif Court, Uthamapalayam, the learned counsel for the petitioner undertakes to withdraw the suit in O.S.No.69 of 2019, which is pending before the District Munsif Court, Andipatti and further undertakes to file a counter claim in O.S.No.62 of 2019, which is pending before the District Munsif Court, Uthamapalayam.



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5.In view of the undertaking given by the petitioner's counsel and also considering the fact that the suit in O.S.No.62 of 2019 is ripe for trial before the District Munsif Court, Uthamapalayam, this Civil Revision Petition is closed with the liberty to the petitioner to file a counter claim in O.S.No.62 of 2019, which is pending before the District Munsif Court, Uthamapalayam. The petitioner shall also withdraw the suit in O.S.No.69 of 2019 pending on the file of the District Munsif Court, Andipatti. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No
Internet : Yes/No
vrn

Note:Issue order copy on 14.11.2022.

To

- 1.The District Munsif Court, Andipatti.
- 2.The District Munsif Court, Uthamapalayam.
- 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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11.11.2022