



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Transfer Civil Miscellaneous Petition No.219 of 2023

and

C.M.P.No.4926 of 2023

1.Vasanthi
2.Ram Priya
3.Krishnakumar

...Petitioners

VS

1.J.C.Vijayananthan
2.Indirani @ Jeyandhi
3.Krithiga

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw O.S.No.669 of 2019 from the file of learned District Munsif, Madurai and to transfer the same to the file of the learned Additional District Munsif, Pollachi, for joint trial and disposal along with O.S.No.235 of 2011 & O.S.No.446 of 2016.

For Petitioners : Mr.T.M.Naveen

For Respondents : Mr.Sriram for
M/s.A.S.Kailasam & Associates

**ORDER**

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This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw O.S.No.669 of 2019 from the file of learned District Munsif, Madurai and to transfer the same to the file of the Court of learned Additional District Munsif, Pollachi, for joint trial and disposal along with O.S.No.235 of 2011 & O.S.No.446 of 2016.

2. When the matter is taken up for hearing today, the learned counsel for the petitioners as well as the learned counsel for the respondents have submitted that on account of common orders passed in CRP.Nos.307 & 310 of 2023 & CMP Nos.2590 & 2625 of 2023 dated 24.03.2023, the relief sought for in this petition, has become infructuous.

3. The learned counsel for the petitioners has filed a copy of the common order passed in CRP.Nos.307 & 310 of 2023 & CMP Nos.2590 & 2625 of 2023 dated 24.03.2023 before this Court. The operative portion of the common order reads as under:-



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"4.3. The Suit in O.S.No.669 of 2019 on the file of learned District Munsif, Madurai is ordered to be withdrawn and transferred to the file of the learned Additional District Munsif, Pollachi, Coimbatore District to enable to dispose of that Suit as early as possible. Based on the outcome of the Suit in O.S.No.669 of 2019, both the Suits in O.S.No.235 of 2011 and O.S.No.446 of 2016 shall be disposed of by the same learned Additional District Munsif as early as possible without waiting for the finality of the declaration Suit in O.S.No.669 of 2019. The Appeals by the aggrieved parties shall be taken together in all three Suits."

4.Since the relief sought for in this Transfer Civil Miscellaneous Petition as regards the transfer of O.S.No.669 of 2019 from the file of the Court of learned District Munsif, Madurai has already been ordered vide common order dated 24.03.2023 in CRP.Nos.307 & 310 of 2023 and CMP Nos.2590 & 2625 of 2023, the relief sought for in this petition has become infructuous. Therefore, this petition is liable to be closed.



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DR.D.NAGARJUN., J.

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5.Accordingly, this Transfer Civil Miscellaneous Petition is closed.

No costs. Consequently, connected miscellaneous petition is also closed.

10.04.2023

Index:yes/no

Internet:yes

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To

- 1.The learned District Munsif, Madurai
2. The learned Additional District Munsif, Pollachi,

Tr.Civil Misc.Petn No.219 of 2023