



Tr.C.M.P.No.1122 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

TR CMP No.1122 of 2022
and C.M.P. Nos.19077 and 19083 of 2022

R.Sivakumar

.. Petitioner

VS

1.R.Murugesan
2.R.Vijayakumar
3.R.Udayakumar
4.N.Logachandar
5.The District Collector,
Collector Office,
Kanchipuram,
Kanchipuram District.

.. Respondents

Petition filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S. No.4 of 2019 from the file of the District Munsif Court, Sriperumbudur and to transfer the same to the learned XVII Assistant City Civil Court, Chennai to try along with O.S.No.1630 of 2020 and O.S.No.7009 of 2022 for a joint trial.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.B.Arvind Srevatsa for R3
Mr.P.Harish,
Govt. Advocate for R5 & R6
No appearance for
R1, R2, R4 and R7

ORDER



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1. The transfer petition is filed to withdraw O.S.No. 4 of 2019 pending on the file of the District Munsif Court, Sriperumbudur and to transfer the same to XVII Assistant City Civil Court, Chennai to be tried along with O.S.No. 1630 of 2020 and O.S.No. 7009 of 2022 to have joint trial.

2. The petitioner is the third defendant in O.S.No.4 of 2019. The plaintiff in O.S.No.1630 of 2020 and the learned counsel for the petitioner states that the other suit filed by the third respondent is nothing but a counter claim and thus joint trial is just and necessary. In order to avoid conflicting decisions in both the suits, it is to be tried together. It is further contended that yet another suit filed by the respondent in O.S.No.7009 of 2022 was already transferred pursuant to the order of this Court dated 14.07.2022 in TR CMP No. 834 of 2021 and the same is now pending on the file of the XVII Assistant City Civil Court, Chennai.

3. The learned counsel for the respondent states that the interlocutory application under Order 7 Rule 11 CPC was filed in respect of O.S.No.1630 of 2020. However, the said application has to be pursued before the Court concerned.



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4. Considering the facts and circumstances of the case, O.S.No.4 of 2019 pending on the file of the District Munsif, Sriperumbudur has been transferred to XVII Assistant City Civil Court, Chennai to be tried along with O.S.No. 1630 of 2020 and O.S.No. 7009 of 2022.

5. In view of the above, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Index : No
Neutral Citation : Yes/No
ssm

To

1. The District Munsif, Sirperumpudur.
2. The XVII Assistant Judge, City Civil Court, Chennai.



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S.M. SUBRAMANIAM,J.

ssm

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