



Tr.C.M.P(MD)No.23 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.23 of 2021

and

C.M.P(MD)No.456 of 2021

1.Albert Raj

2.C.Rejila

3.J.Joseph

4.G.Panipitchai

5.A.George

6.Christopher

7.Panimaya Suja

... Petitioners/
Defendants 4 to 10

Vs.

1.A.Dunston

2.A.Burlington

3.A.Anton Kumar @ Tony

4.Peeter Paul

5.Jipsy

6.Suresh

... Respondents 4 to 6/
Defendants 1 to 3



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PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the O.S.No.407 of 2018 from Sub Court, Eraniel (Originally filed before Sub Court, Padmanabapuram taken as O.S.No.124 of 2007) to Additional District Court, Padmanabapuram and to club together along with O.S.No.36 of 2017 (Originally filed before District Court, Kanyakumari District at Nagercoil as O.S.No.36 of 2017) and consequently direct the Additional District Court, Padmanabapuram to try both suits jointly.

For Petitioner : Mr.A.Balakrishnan

For R1 & R2 : Mr.John Jeyakumar

For R3 to R5 : No Appearance

ORDER

The present transfer civil miscellaneous petition has been filed to withdraw and transfer the O.S.No.407 of 2018 from Sub Court, Eraniel (Originally filed before Sub Court, Padmanabapuram taken as O.S.No.124 of 2007) to Additional District Court, Padmanabapuram and to club together along with O.S.No.36 of 2017 (Originally filed before District Court, Kanyakumari District at Nagercoil as O.S.No.36 of 2017) and consequently direct the Additional District Court, Padmanabapuram to try both suits jointly.



Tr.C.M.P(MD)No.23 of 2021

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2. Both the suits have been filed by the respondents 1 to 3 herein before the Additional District Court, Padmanabapuram. The present civil revision petition has been filed for direction to the trial Court for joint trial.

3. Being satisfied with the reasons given in the affidavit filed in support of the petition, the Court is inclined to transfer O.S.No.407 of 2018 pending on the file of Sub Court, Eraniel to the Additional District Court, Padmanabapuram, and tried along with O.S.No.36 of 2017 pending before the Additional District Court, Padmanabapuram.

4. Considering the fact that the suits are of the year 2017 and 2018, the Additional District Court, Padmanabapuram shall try to expedite the suit for being tried jointly and dispose the suits as expeditiously as possible preferably within a period of 15 months from the date of receipt of copy of this order.



Tr.C.M.P(MD)No.23 of 2021

5. The present Transfer Civil Miscellaneous Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Court, Eraniel
- 2.The Additional District Court,
Padmanabapuram.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.23 of 2021

C.SARAVANAN ,J.

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