



Tr.C.M.P(MD)No.630 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.630 of 2022

and

C.M.P(MD)No.10113 of 2022

M.Kumar

... Petitioner/ Defendant

Vs.

A.Nallamani

... Respondent/ Plaintiff

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.S.No.82 of 2021 on the file of the VI Additional District Court, Madurai and to transfer the same to the file of the I Additional District Court, Madurai and to try along with the suit in O.S.No.83 of 2021 pending before the said Court.

For Petitioner : Mr.K.Periasamy
For Respondent : Mr.P.R.Prithviraj

ORDER

The present transfer civil miscellaneous Petition has been filed by the defendant in O.S.No.82 of 2021 to transfer the said suit from the file of VI Additional District Court, Madurai, to I Additional District Court, Madurai to be tried along with O.S.No.83 of 2021.



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2. According to the learned counsel appearing for the petitioner, the plaintiffs in O.S.Nos.82 and 83 of 2021 have colluded together and created a pro-note and hence, both the suits have to be tried together in the interest of justice.

3. Per contra, the learned counsel appearing for the plaintiffs in both the suits have contended that there is no connection whatsoever between these two suits and there is no necessity for trying the suits together.

4. I have carefully considered the submissions made on either side.

5. A perusal of the plaint in O.S.No.82 of 2021 indicates that the said suit has been filed by one Nallamani as against Kumar for recovery of money based upon pro-note dated 08.08.2018. A perusal of the plaint in O.S.No.83 of 2021 indicates that the said suit has been filed by one Rajkumar as against Kumar for recovery of money based upon pro-note dated 09.07.2018. Therefore, it is clear that both the suits have been filed on two different plaintiffs based upon two different pro-notes executed by two different dates. Hence, I do not find any reason to transfer O.S.No.82 of 2021 to be tried along with O.S.No.83 of 2021.



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Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

Rmk

To

1.The VI Additional District Judge, Madurai.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
Tr.C.M.P(MD)No.630 of 2022

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