



Tr.CMP(MD)Nos.801, 802 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Tr.CMP(MD)Nos.801 & 802 of 2022
and
CMP(MD)Nos.12771 & 12772 of 2022

Tr.CMP(MD).801/2022:

Thirupathi Raj

: Petitioner

Vs.

1.Marakatham

2.Kothai

: Respondents

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in O.S.No.205 of 2019 on the file of the District Munsif Court, Dindigul and transfer the same to any other Court.

Tr.CMP(MD).802/2022:

1.Prabha

2.Thirupathi Raj

: Petitioners

Vs.

Marakatham

: Respondent



Tr.CMP(MD)Nos.801, 802 of 2022

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in T.R.L.T.OP.No.5 of 2020 on the file of the Rent Controller / Principal District Munsif Court, Dindigul and transfer the same to the file of the Rent Controller / Principal District Munsif Court, Tiruchirappalli.

For Petitioners : Mr.V.Malaiyendran

[In both petitions]

COMMON ORDER

The petitioners are the tenants and they filed a suit in O.S.No.205 of 2019 before the District Munsif Court, Dindigul, as against the respondent / landlord not to evict them without following due process of law. In order to transfer this suit from the file of the District Munsif Court, Dindigul, to any other Court, Tr.CMP(MD)No.801 of 2022 came to be filed.

2.After the initiation of the suit, the respondent / landlord has filed T.R.L.T.OP.No.5 of 2020 before the Rent Controller / Principal District Munsif Court, Dindigul, for eviction on the ground of demolition and reconstruction. In order to transfer this petition to the file of the Principal District Munsif, Tiruchirappalli, Tr.CMP(MD)No.802 of 2022 came to be filed.



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3. When the matter came up for hearing today, learned Counsel for the petitioners submitted that both the cases may be transferred to a Single Court and that the proceedings may be tried together. He also prayed for a direction for early disposal of the proceedings.

4. The suit was filed by the petitioners / tenants not to evict them without following due process of law. Thereafter, the respondent / landlord has filed T.R.L.T.OP.No.5 of 2020 before the Rent Controller seeking eviction. In view of the subsequent development of the filing of T.R.L.T.OP., this Court feels that the suit in O.S.No.205 of 2019 would become infructuous. Therefore, there is no necessity for any joint trial.

5. However, considering the request made by the petitioners' Counsel, there shall be direction to the learned Principal District Munsif, Dindigul / Rent Controller to dispose of the proceedings in T.R.L.T.OP.No.5 of 2020, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.



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B.PUGALENDHI, J.

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Accordingly, both the petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No

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Internet : Yes

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To

The Principal District Munsif,
Dindigul.

Tr.CMP(MD)Nos.801 & 802 of 2022