



Tr.C.M.P. No. 385 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P. No. 385 of 2024

&

C.M.P. No. 8170 of 2024

Sivakumar

..Petitioner

Vs.

1. Ekambaram
2. Mrs. Ellammal
3. Mrs. Radhabai
4. Mrs. Seriyapushpam
5. Mr.John Charles
6. Mr. Edwin Gerard
7. Mrs. Mary Clara
8. Mrs. Morin Jenet
9. Mrs. Josephine Margaret Mary
10. Mr. Karthikeyan

..Respondents



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Prayer: Transfer C.M.P. filed under Section 24 of Code of Civil Procedure to withdraw O.S. No. 130 of 2017 pending on the file of Additional District Munsif Court, Alandur and to transfer the same to the file of Principal District Munsif Court, Alandur to be tried along with O.S. No. 197 of 2022 within the time stipulated by this Court.

For Petitioner :: Ms.G. Selvi George

For Respondents :: Mr.S. Jagannathan
for R10
R1 to R9 – not ready in
notice

ORDER

Three suits are pending in respect of the same suit scheduled mentioned property in O.S. No. 130 of 2017 on the file of Additional District Munsif Court, Alandur, O.S. No. 197 of 2022 on the file of Principal District Munsif Court, Alandur and O.S. No. 326 of 2022 on the file of Principal District Judge, Chengleput. O.S. No. 130 of 2017 is a suit for declaration and other reliefs. O.S. No. 197 of 2022 is a suit for bare injunction, so is the suit in O.S. No. 326 of 2022.



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2. Originally, I proposed to transfer the suit pending before the Additional District Munsif Court at Alandur to the file of Principal District Judge, Chengleput and I was inclined to pass orders to that effect. Ms. Selvi George, learned counsel for the petitioner/plaintiff in O.S. No.130 of 2017 undertook to withdraw O.S. No. 326 of 2022 on the file of Principal District Judge, Chengleput. Learned counsel for the petitioner also brings to the notice of this Court that a transfer O.P. in Tr.O.P. No. 184 of 2022 has been filed before the Principal District Judge, Chengleput, to club all the three suits together.

3. The submission of the learned counsel for the petitioner that she will withdraw the suit in O.S. No. 326 of 2022 is hereby recorded. Since O.S. No. 326 of 2022 is being withdrawn, Tr.O.P. NO. 184 of 2022 is rendered infructuous. Learned Principal District Judge is requested to record the withdrawal of O.S. No. 326 of 2022 as well as Tr.O.P. NO. 184 of 2022 and pass appropriate orders to that effect.



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4. Since the learned counsel for the petitioner has undertaken to withdraw O.S. No. 326 of 2022 on the file of Principal District Judge, Chengleput, we are left with two suits in the fray. As far as O.S. No. 197 of 2022 is concerned, there is a direction given by this Court in C.R.P. No. 4024 of 2022 for expeditious disposal of the same. Both sides agree that it is at the stage of trial. Consequently, O.S. No.130 of 2017, in respect of which even pleadings are not complete, is withdrawn from the file of Additional District Munsif Court, Alandur and transferred to the file of Principal District Munsif Court at Alandur, to be heard and tried along with O.S. No. 197 of 2022.

5. The transfer C.M.P. is disposed of accordingly. No costs. Connected C.M.P. is closed.

30.04.2024

nv

(Note to Office: Registry is directed to mark a copy of this order to the Principal District Judge, Chengleput in order to pass appropriate orders as

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directed above.)

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1. The Addl. District Munsif Court,
Alandur.
2. The Principal District Munsif,
Alandur.



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V. LAKSHMINARAYANAN,J.

nv

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