



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022
and

C.M.P. Nos. 7563 of 2021, 17891 of 2021 and 1878 of 2022

Tr.C.M.P.No.312 of 2021

S. Saravanan

... Petitioner

Vs.

1.S. Vanitha

2.V. Sampath

3.The Sub Registrar,
Sub Registrar Office,
Pochampalli, Krishnagiri District.

4.The Sub Registrar Joint-I,
Joint – I Sub Registrar Office,
Combined Registration Building,
Dharmapuri Town,
Dharmapuri Post and Taluk,
Dharmapuri District.

5.The Sub Registrar,
Sub Registrar Office,
Barur, Pochampalli Taluk,
Krishnagiri District.

... Respondents



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

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Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the suit in O.S.No.182 of 2020, from the Subordinate Judge's Court at Uthangarai and transfer the same to the file of the Subordinate Judge's Court at Dharmapuri to be tried along with the suit in O.S.No.295 of 2019.

For Petitioner : Mr. T. Deeraj
for M/S. PV Law Associates

For Respondents : Mr. R. Sanjay, for R1
Ms. Akila Rajendran, for R3 to R5
Government Advocate

Tr.C.M.P.No.744 of 2021

Vanitha ... Petitioner

Vs.

1.S. Saravanan
2.Dhandapani
3.Branch Manager,
Lakshmi Vilas Bank,
Mathur Village and Post,
Pochampalli Taluk,
Krishnagiri District.

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the O.S.No.155 of 2019 which are pending



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

before Principal District and Sessions Court at Dharmapuri and transfer the said case to the District Court, Krishnagiri.

For Petitioner : Mr. R. Sanjay,

For Respondents : T. Deeraj, for R1
for M/S. PV Law Associates

Tr.C.M.P.No.101 of 2022

Vanitha

... Petitioner

Vs.

1.V. Sampath

2.S. Saravanan

3.The Sub Registrar,
Sub Registrar Office, Pochampalli,
Krishnagiri District.

4.The Sub Registrar, Joint-I,
Sub Registrar Office, combined Registration Building,
Dharmapuri Town, Post, Taluk and District.

5.The Sub Registrar,
Sub Registrar Office, Barur,
Pochampalli Taluk,
Krishnagiri District.

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the O.S.No.182 of 2020 which are pending



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

before Sub Court at Uthangarai and transfer the same cases to the District Court, Krishnagiri.

For Petitioner : Mr. R. Sanjay,

For Respondents : T. Deeraj, for R2
for M/S. PV Law Associates
Ms. Akila Rajendran, for R3 to R5
Government Advocate

COMMON ORDER

Tr.C.M.P.No.312 of 2021 is filed seeking to withdraw the suit in O.S.No.182 of 2020 from the Court of the Subordinate Judge at Uthangarai and transfer the same to the file of Subordinate Court at Dharmapuri to be tried along with the suit in O.S.No.295 of 2019.

2. Tr.C.M.P.No.744 of 2021 is filed seeking to withdraw the O.S.No.155 of 2019 pending before the Principal District and Sessions Court at Dharmapuri and to transfer the same to the District Court, Krishnagiri.



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

3. Tr.C.M.P.No.101 of 2022 is filed seeking to withdraw the O.S.No.182 of 2020 pending before Subordinate Court at Uthangarai and transfer the same to the District Court, Krishnagiri.

4. The petitioner in Tr.C.M.P.No.312 of 2021 and the petitioner in Tr.C.M.P.No.744 of 2021 and Tr.C.M.P.No.101 of 2022 are brother and sister.

5. In these three Tr.C.M.Ps, the following suits are seeking to transfer.

i) The suit in O.S.No.295 of 2019 on the file of Subordinate Court, Dharmapuri filed by one Saravanan seeking the relief of permanent injunction restraining a bank from handing over the fixed deposit to the second respondent therein.

ii) The suit in O.S.No.182 of 2020 filed by one Vanitha before the Subordinate Court at Uthangarai seeking the relief of partition of her alleged 1/3rd share and permanent injunction in respect of the properties comprised in S.Nos.223 & 547/1A2 in Dharmapuri District and S.No.201/1A1 (New S.No.573/13) in Krishnagiri District and in respect of a fixed deposit of



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

Rs.7,00,000/-.

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iii. The suit in O.S.No.155 of 2019 filed by one Saravanan on the file of the Principal District and Sessions Court, Dharmapuri for recovery of a sum of Rs.21,50,000/- and permanent injunction restraining third respondent therein from disbursing the fixed deposit amount.

6. Heard the learned counsel appearing on either side and perused the record.

7. Admittedly, all suits are between the family members. The relief sought in all suits are related to the properties and recovery of money are with regard to share between the family members. But the three suits are filed in different Courts and all suits are pending.

8. The contention of the petitioner in Tr.C.M.P.No.312 of 2021 is that the first respondent and the second respondent in this petition are sister and father respectively. The first respondent has filed the suit in O.S.No.182 of 2020 before the Subordinate Court at Uthangarai against him and the other



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

respondents only as a counter blast to the suit filed by him in O.S.No.295 of 2019 pending in the Court of Subordinate Judge, Dharmapuri. It is his contention that he filed the suit almost a year prior to the date of filing of the suit in O.S.No.182 of 2020 by the first respondent before the Subordinate Court, Uthangarai. The distance between Dharmapuri and Uthangarai is nearly 53 km. He contends that the first respondent has deliberately filed the suit in Uthangarai even though two of the three suit properties are situated in Dharmapuri.

9. The contention of the petitioner in Tr.C.M.P.No.744 of 2021 and Tr.C.M.P.No.101 of 2022 is that she filed a suit for partition in O.S.No.182 of 2020 before the Sub Court, Uthangarai seeking partition of her share in the suit schedule property and for permanent injunction. Mr.V.Sampath is her father and first respondent is her brother. The petitioner and Mr.V.Sampath and first respondent are the members of the joint family. The joint family purchased the schedule A to C properties in the name of the first respondent. The petitioner's mother filed suit in O.S.No.163 of 2014 before the Sub Court at Uthangari to get her 1/5th share in her ancestral properties.



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

The said suit was compromised and her mother died intestate on 12.11.2017.

The matter has been settled amicably between them and a sum of Rs.7.50 lakhs has been allotted to her mother's share and the same was given to the first respondent. An amount of Rs.50,000/- was given to her and it has been used for common expenses and remaining amount is with first respondent. The first respondent filed suit in O.S.No.155 of 2009 against her and her husband before the Principal District and Sessions Court at Dharmapuri for recovery of sum of Rs.21,50,000/- and for permanent injunction restraining the third respondent herein from disbursing the fixed deposit amount.

10. It is the contention of the petitioner that the issues involved in the suits are related to the properties and recovery of money between the family members. But the suits are pending in different Courts and in different Districts. All the defendants in the said suits are residing or having office within the Krishnagiri District. The fixed deposits are with the Lakshmi Vilas Bank Branch at Krishnagiri. The cause of action for the said suit arose within the jurisdiction of District Judge, Krishnagiri. If the suits are tried at the Court in Krishnagiri, it will help to all, since it is being a family dispute,



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

it will be useful for the parties to arrive amicable settlement if they are in a same Court. Accordingly, she sought transfer of the suits to the District Court at Krishnagiri to conduct joint trial.

11. Having heard the submissions of the respective counsel and on careful perusal of the material available on record, it is an admitted fact that the suit in O.S.No.155 of 2019 filed before the Principal District and Sessions Court, Dharmapuri by the petitioner in Tr.C.M.P.No.312 of 2021.

12. The suits in O.S.No.155 of 2019 and O.S.No.295 of 2019 pending before Principal District and Sessions Court, Dharmapuri and Subordinate Court, Dharmapuri respectively filed by one Mr.Saravanan i.e., the petitioner in Tr.C.M.P.No.312 of 2021. After filing these two suits, the suit in O.S.No.182 of 2020 filed before the Subordinate Court, Uthangarai by one Mrs.Vanitha that is the petitioner in Tr.C.M.P.No.744 of 2021 and Tr.C.M.P.No.101 of 2022. It is an admitted fact that the petitioners in these Tr.C.M.Ps are brother and sister. It is also an admitted fact that most of the properties involved in the suits are situated in Dharmapuri District. The



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

distance between Dharmapuri and Utangarai is nearly 53 km. If O.S.No.295 of 2019 on the file of the Subordinate Court, Dharmapuri and O.S.No.155 of 2019 on the file of the Principal District and Sessions Court, Dharmapuri are transferred to District Court, Krishnagiri to try for joint trial, definitely it would cause irreparable loss to the plaintiff in the said suit. It is to be noted that in Tr.C.M.P.No.101 of 2022, the petitioner seeking to transfer O.S.No.182 of 2020 from Subordinate Court, Uthangarai to District Court, Krishnagiri.

13. Considering all these aspects, in the considered opinion of this Court, to avoid multiplicity of litigation and to avoid conflicting orders and the issues involved in all the cases are related between the family members, it is appropriate to try all the suits together at once. As already two suits are pending at Dharmapuri and one suit is pending at Uthangarai, it is appropriate and desirable to transfer O.S.No.295 of 2019 pending on the file of Subordinate Court, Dharmapuri and O.S.No.182 of 2020 pending on the file of Subordinate Court, Uthangarai to the Court of Principal District Judge, Dharmapuri to hear along with O.S.No.155 of 2019 in the interest of



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

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14. Accordingly, the Tr.C.M.P.No.312 of 2021 is allowed and Tr.C.M.P.No.744 of 2021 and Tr.C.M.P.No.101 of 2022 are dismissed.

15. The suit in O.S.No.182 of 2020 pending on the file of Subordinate Court, Uthangarai is hereby withdrawn and transferred to the Principal District Court, Dharmapuri. The suit in O.S.No.295 of 2019 pending on the file of Subordinate Court, Dharmapuri is hereby withdrawn and transferred to the Principal District Court, Dharmapuri to try along with O.S.No.155 of 2019 pending on its file together.

16. The Subordinate Court, Uthangarai shall transmit the entire record in O.S.No.182 of 2020 pending on its file to the Principal District Judge, Dharmapuri. The Subordinate Court, Dharmapuri shall transmit the entire record in O.S.No.295 of 2019 pending on its file to the Principal District Court, Dharmapuri. The Principal District Judge, Dharmapuri shall try all the three suits together in the interest of justice.



Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

WEB COPY 17. Consequently, connected miscellaneous petitions are closed. No costs.

10.06.2024

Index : Yes / No

Neutral Citation : Yes / No

AT

To

1.The Subordinate Court, Uthangarai.

2.The Subordinate Court, Dharmapuri.

3.The Principal District and Sessions Court, Dharmapuri.

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Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022

BATTU DEVANAND, J.

AT

Tr. C.M.P. Nos. 312 of 2021, 744 of 2021 and 101 of 2022 and
C.M.P. Nos. 7563 of 2021, 17891 of 2021 and 1878 of 2022

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