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Tr.C.M.P.No.686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.686 of 2024
and C.M.P.No.14842 of 2024

A.Chellan

.. Petitioner

Versus

1. R.Bhaarath

2. R.Sharma

.. Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the case in O.S.No.17 of 2023 pending on the file of the District Munsif Court at Maduranthagam and to try along with the case in O.S.No.232 of 2024 pending on the file of the District Court at Chengalpattu.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.V.Ramkumar

ORDER

This petition is filed seeking to transfer of O.S.No.17 of 2023 on the file of the learned District Munsif, Maduranthagam to the file of the learned



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District Judge at Chengalpattu and to be tried along with O.S.No.232 of 2024.

2. The defendant in O.S.No.17 of 2023 is the petitioner. He had executed a Power of Attorney in favour of the respondents herein on 13.12.2022. He cancelled the said Power of Attorney on 02.02.2023. Hence, the suit in O.S.No.17 of 2023, presented for declaration and for cancellation of Power of Attorney, is null and void. The petitioner presented a substantive suit in O.S.No.232 of 2024 seeking for several reliefs for declaration and for permanent injunction before the learned District Judge, Chengalpattu. The plaintiffs in O.S.No.17 of 2023 are the defendant Nos.5 and 6 in the suit presented by the petitioner herein. Since the issues are inextricably linked, interest of justice demands that they are disposed of by a common judgment. This is to avoid any conflicting judgments between the learned District Munsif, Maduranthagam and the learned District Judge, Chengalpattu. Consequently, O.S.No.17 of 2023, pending on the file of the learned District Maduranthagam is withdrawn and transferred to the file of the learned District Judge, Chengalpattu to be heard together and disposed of along with O.S.No.232 of 2024.



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3. Mr.V.Ramkumar, learned Counsel for the petitioner represents that since the petitioner did not cross-examine the plaintiffs in O.S.No.17 of 2023, hence, learned District Munsif is pleased to close the evidence. Mr.S.Kingston Jerold, learned Counsel for the respondents would state that he has taken out applications to reopen and recall of P.W.1. The said applications shall be disposed of by the learned District Judge, Chengalpattu at the first instance and thereafter, the suit shall be proceeded with.

4. This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The District Munsif Court,
Maduranthagam.
2. The District Court,
Chengalpattu.



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V.LAKSHMINARAYANAN, J.

grs

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