



Tr. C.M.P.No.656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. C.M.P.No.656 of 2024 and
C.M.P.No.14177 of 2024

R.Sivakumar

... Petitioner

versus

1. R.Vijayakumar

2. T.V.Sridhar

3. The Thasildar,
Kundrathur Taluk, Kundrathur,
Chennai 600 069
Kancheepuram District

... Respondents

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the suit in O.S.No.93 of 2024 pending on the file of the District Munsif Court, Sriperumbudur and to transfer the same to the XVII Assistant City Civil Court, Chennai to try along with O.S.No.1630 of 2020, O.S.No.7009 of 2022, O.S.No.3420 of 2023, O.S.No.178 of 2023 (not yet renumbered) for a joint trial.

For Petitioner	: Mr.N.Manoharan
For R1 & R2	: Mr.B.Arvind Srevatsa
For R3	: Mr.N.Muthuvel, Government Advocate



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ORDER

This is the 4th transfer petition, at the instance of the parties.

2. By an order in Tr.C.M.P.No.834 of 2021, proceedings which were pending before the District Munsif Court at Sriperumbudur were transferred to the XVII Assistant City Civil Court, Chennai. Subsequently, Tr.C.M.P.No.1122 of 2022 was moved and yet again, the suits pending before the District Munsif Court at Sriperumbudur was transferred to the XVII Assistant City Civil Court, Chennai.

3. The first order transfer was challenged before the Supreme Court and the same was dismissed. Thereafter, Tr.C.M.P.No.1020 of 2023 was filed before me, to withdraw another suit pending before the District Munsif Court at Sriperumbudur to the XVII Assistant City Civil Court, Chennai. That too was allowed on 04.06.2024.

4. Now the petitioner wants to transfer the suit in O.S.No.93 of 2024 filed by them, before the learned District Munsif Court at Sriperumbudur, after this Court had passed 3 orders yet to the XVII Assistant City Civil



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Judge, Chennai. The substantive suit for partition in O.S.No.7009 of 2022 is pending before the XVII Assistant City Civil Court, Chennai.

5. Any decree passed in that suit, will have repercussions in the pending suit. Hence, O.S.No.93 of 2024, is withdrawn from the file of the District Munsif Court, Sriperumbudur and transferred to the XVII Assistant City Civil Court, Chennai, for common trial, with all the other suits, which have been transferred by previous orders of this Court.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation Case : Yes/No

To

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- 1.The District Munsif Judge,
Sriperumbudur.
- 2.The XVII Assistant City Civil Judge,
Chennai.



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V.LAKSHMINARAYANAN, J.

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