



WEB COPY



TR.CMP.No.896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.896 of 2023

M/s.R.K.Ginning Mill
(Represented by its Prop. K.Jegadeeswaran)
Sathyamangalam Main Road
Akkarai Kodiveri
Gobichettipalayam
Erode District - 638 454.

... Petitioner

Vs

M/s.Balu Agencies
(Represented by its Prop.Murugesan)
Akkur Mukkootu Village
Tharangambadi Taluk
Mayiladuthurai District - 609 313.

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the suit bearing O.S.No.271 of 2023 on the file of the Subordinate Court at Seerkali-Mayiladuthurai District and tried along with the file of O.S.No.231 of 2023 on the file of Subordinate Court at Gobichettipalayam, Erode District.

For Petitioner : Mr.K.R.Annamalai



TR.CMP.No.896 of 2023

For Respondent : Mr.J.Janarthanan

ORDER

This Transfer CMP has been filed seeking transfer of O.S.No.271/2023 on the file of Subordinate Court at Seerkali to be tried along with the suit presented by the petitioner in O.S.No.231 of 2023 on the file of Subordinate Court at Gobichettipalayam, Erode District.

2. The respondent is a supplier of cotton to the petitioner ginning mill. The respondent presented a suit in O.S.No.271 of 2023 on the file Sub Court, Seerkali for recovery of certain amount towards the goods sold and delivered by him to the petitioner. Summons were issued on the petitioner in the said suit.

3. After having received the summons in the proceeding to contest the suit, the petitioner instead of filing a counter, had instituted a fresh suit in O.S.No.231 of 2023 before the Sub Court, Gobichettipalayam at Erode, claiming an amount of Rs.2,56,158/- along with interest. Not stopping with this tactic, the petitioner has moved this transfer petition to withdraw the prior proceedings (O.S.No.271 of 2023 on the file of Sub Court, Seerkali) to



TR.CMP.No.896 of 2023

be tried along with the latter (O.S.No.231 of 2023 on the file of Sub Court, Gobichettipalayam).

4. I have gone through the two complaints placed before me in the said suits. It is not in dispute that the suit filed by the supplier in O.S.No.271/2023 is earlier in point of time. In fact in the subsequent suit in O.S.231/2023 filed by the petitioner, the factum that the respondent has entered appearance and is contesting the suit has also been disclosed. There should be no conflict of judgements. Both the suits have to be tried together. I am inclined to the transfer, however not in accordance with the prayer of the petitioner.

5. Accordingly, the suit in O.S.No.231 of 2023 now pending on the file of Sub Court, Gobichettipalayam is withdrawn and transferred to the file of Sub Court, Seerkali, to be tried along with O.S.No.271 of 2023, which is now pending before Sub Court, Seerkali.

6. In the result, the transfer CMP is disposed of. No cost.

10.06.2024

Index:Yes/No

3/5



TR.CMP.No.896 of 2023

Neutral Citation : Yes / No
ds

WEB COPY

To:

- 1.The Sub Judge
Seerkali - Mayiladuthurai District
- 2.The Sub Judge
Gobichettipalayam @ Erode District.
- 3.The Section Officer
VR Section, High Court, Madras.



WEB COPY



TR.CMP.No.896 of 2023

V.LAKSHMINARAYANAN,J.

ds

TR.CMP.No.896 of 2023

10.06.2024