



Tr.C.M.P.No.1237 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P.No.1237 of 2022

Amulu

D/o Late C.Munirathinam

... Petitioner

vs.

1. M.Kanthammal,
W/o Late C.Munirathinam

2. M.Ramachandran,
S/o Late C.Junirathinam

3. M.Lakshmanan,
S/o Late C.Munirathinam

4. H.vijayalakshmi,
D/o Late C.Munirathinam.

5. D.Kalyani
D/o Late C.Munirathinam

6. P.Raman,
S/o Purushothaman

7. S.Indumathi
D/o P.Raman

8. R.Viswnathan,
S/o P.Raman



Tr.C.M.P.No.1237 of 2022

9. A.Mohammed Usain
S/o J.M.Akbhar

10. A.Mohammed Faies,
S/o J.M.Akbhar

... Respondents

Prayer in Tr.C.M.P : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S.No.257 of 2022 from the file of Sub-Court, Vellore and transfer the same to Sub-Court, Tiruttani and to try along with the pending suit O.S.No.103 of 2020 on the file of Sub-Court, Tiruttani and dispose of the same on merits and in accordance with law.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.A.E.Ravidhandran
for R1 to R4

ORDER

This Transfer C.M.P. has been filed to withdraw the suit in O.S.No.257 of 2022 from the file of Sub-Court, Vellore and transfer the same to Sub-Court, Tiruttani and to try along with the pending suit, O.S.No.103 of 2020 on the file of Sub-Court, Tiruttani, and dispose of the same on merits and in accordance with law.

2. The petitioner had filed a suit in O.S.No.257 of 2022 for partition and for declaration in respect of ancestral property against the



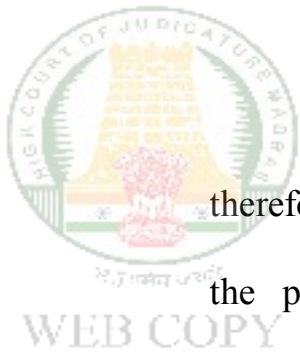
respondents 1 to 10 herein who are all co-sharers of the suit property. The respondents 1 to 8 herein have filed O.S.No.103 before the Sub-Court, Thiruthani, seeking for partition of ancestral property. In the said suit, the respondents 1 to 8 have deliberately omitted the suit property in O.S.No.257 of 2022 on the file of Sub-Court, Vellore. Hence, the petitioner has filed the present Transfer CMP to try both the suits together to avoid overlapping of evidence and contradictory judgments in the above suits.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 to 4 and perused the materials available on record.

4. It is seen from the records that the 6th respondent is no more. Insofar as the 5th and 7th to 10th respondents are concerned, though their names are printed in the cause list, none appeared today.

5. Learned counsel appearing for the 1st to 4th respondents have no objection in transferring the suit in O.S.No.257 of 2022 from the file of Sub Court, Vellore to the file of Sub- Court, Tiruttani, to be tried along with the suit in O.S.No.103 of 2020.

6. This Court is of view that there is likelihood of arriving different and conflicting decisions if the suits are tried separately and



therefore, both the suits have to be tried together which would help both the parties to reduce the volume of evidence and also to avoid contradictory judgments and to save judicial time.

7. Therefore, the suit in O.S.No.257 of 2022 on the file of Sub-Court, Vellore is directed to be withdrawn and transferred to the Sub-Court, Tiruttani to be tried along with the pending suit in O.S.No.103 of 2020 on the file of Sub Court, Tiruttani.

8. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs.

9. Learned Sub-Judge, Vellore, is directed to transmit all the papers pertaining to O.S.No.257 of 2022 pending on the file of Sub Court, Vellore to the file of Sub Court, Thiruttani, to be tried along with O.S.No.103 of 2020 of 2011 immediately on receipt of a copy of this order.

22.02.2024

Index :yes/No
Speaking /Non speaking order
vsi



Tr.C.M.P.No.1237 of 2022

To

WEB COPY

1. The Sub-Judge, Vellore
2. The Sub Court, Thiruttani,



WEB COPY



Tr.C.M.P.No.1237 of 2022

J.NISHA BANU, J.

vsi

Tr.C.M.P.No.1237 of 2022

22.02.2024