



Tr.CMP.No.1040 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1040 of 2023

and

C.M.P.No.25241 of 2023

R.Sivakumar

.. Petitioner

Vs.

1.R.Vijayakumar

2.T.V.Sridhar

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.178 of 2023 from the file of the learned District Munsif at Sriperumbudur and transfer the same to the file of the learned XVII Assistant City Civil Court at Chennai to try along with O.S.No.1630 of 2020, O.S.No.7009 of 2022 and O.S.No.3420 of 2023.

For Petitioner : Mr.N.Manoharan

For Respondents : Ms.Hinduja
for M/s.B.Arvind Srivatsa



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ORDER

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2. O.S.No.372 of 2015 is a suit for partition which was filed before the District Munsif Court at Sriperumpudur. By an order passed in Tr.C.M.P.No.834 of 2021, dated 14.07.2022, the above said suit has been transferred to the file of the XVII Assistant City Civil Court at Chennai and re-numbered as O.S.No.7009 of 2022.

3. Thereafter, claiming declaratory and other reliefs, O.S.No.4 of 2019 had been filed. That suit too has been transferred to the file of the XVII Assistant City Civil Court and re-numbered as O.S.No.3420 of 2023 pursuant to an order passed by this Court in Tr.C.M.P.No.1122 of 2022, dated 03.01.2023. Subsequently, another suit has been filed for permanent injunction on the file of the learned District Munsif, Sriperumpudur in O.S.No.178 of 2023.



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4. The parties, in all the proceedings as stated above, are not only siblings but they are also before the Court.

5. Taking into consideration the orders passed previously by this Court in Tr.C.M.P.No.834 of 2021 and Tr.C.M.P.No.1122 of 2022, I am inclined to allow this transfer petition.

6. Hence, the proceeding in O.S.No.178 of 2023 now pending on the file of the learned District Munsif at Sriperumpudur is withdrawn and it shall stand transferred to the file of the XVII Assistant City Civil Court at Chennai. The learned XVII Assistant City Civil Judge is requested to try, O.S.No.1630 of 2020, O.S.No.7009 of 2022 and O.S.No.3420 of 2023 jointly along with the suit which has been presently transferred, together and deliver a common judgment.



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7. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

- 1.The learned District Munsif,
Sriperumpudur
- 2.The XVII Assistant City Civil Court,
Chennai

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and
C.M.P.No.25241 of 2023

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