



Tr.C.M.P.(MD).No.48 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.48 of 2024
and C.M.P.(MD).No.585 of 2024

1.T.B.S.S.C.S.Vadamalaiarajaya Pandiyan Alias
Ramesh Pandian.

2.T.B.S.S.C.S. Muthurajan ... Petitioners/Defendants 3 & 4

Vs.

1.Chellathai ... 1st Respondent/Plaintiff

2.The Tahsildar,
Bodinayakanur Taluk, Having Office at
Bodinayakanur, Theni District.

3.The District Collector,
Theni District. ... Respondents 2 & 3/
Defendants 1 & 2

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24
r/w Section 151 of the Civil Procedure Code, to withdraw and transfer
the case in O.S.No.148 of 2023, on the file of District Munsif Court,
Bodinayakanur and to transfer the same to the file of the IV Additional
District Judge, Madurai, to be tried along with O.S. No. 237 of 2023.



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For Petitioners : Mr.G.Prabhu Rajadurai
For Respondents : Mr.V.Chandra Sekar for R1
Mr.A.Sivanu Pandian for R2 & R3
Government Advocate (Civil)

ORDER

This petition has been filed to withdraw and transfer the case in O.S.No.148 of 2023, on the file of District Munsif Court, Bodinayakanur and to transfer the same to the file of the IV Additional District Judge, Madurai, to be tried along with O.S. No. 237 of 2023.

2.The facts in brief:

The petitioners are the defendants in O.S.No.148 of 2023 on the file of the District Munsif, Bodinayakanur and plaintiffs in O.S.No. 237 of 2023 pending on the file of the IV Additional District Judge, Madurai. Since the issue involved are one and the same, the petitioners seeking transfer of the O.S.No.148 of 2023 pending before the District Munsif, Bodinayakanur to the file of the IV Additional District Judge, Madurai, to try along with the O.S.No.237 of 2023 filed by them. Hence, this petition.



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3.Heard both sides.

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4.The learned counsel for the respondent would submit that both the matters must be tried by the same Court, since the issue involved are one and the same. But the IV Additional District Judge, Madurai, post is kept vacant. It is a long issue standing between the parties. It can be disposed of by short time by another Presiding Officer. On that ground both matters may be transferred to VI Additional District Judge, Madurai.

5.In view of the submissions made by the respondent herein, the suit in O.S.No.148 of 2023 pending on the file of the District Munsif, Bodinayakanur, is hereby ordered to be withdrawn and transferred to VI Additional District Judge, Madurai. Let the suit in O.S.No.237 of 2023 pending on the file of the learned IV Additional District Judge, Madurai, is also ordered to be withdrawn and transferred to VI Additional District Judge, Madurai. The learned VI Additional District Judge, Madurai, shall try both the suits jointly and dispose of the same on merits and in accordance with law. By this time, the petitioner wants to transfer



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another suit from the file of the IV Additional District Judge, Madurai. If it so, the petitioner is at liberty to file proper application.

6.Accordingly, this transfer civil miscellaneous petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

20.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The District Munsif, Bodinayakanur.
- 2.The IV Additional District Judge, Madurai.
- 3.The VI Additional District Judge, Madurai.
- 4.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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