



TR. CMP(MD)No.81 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.81 of 2024
and CMP(MD)No.1369 of 2024

1.Kasthuribai

2.Arivazhagan

..Petitioner/Respondent

Vs.

1.Tamilalagan

2.Valarmathi

...Respondents/Petitioners

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to order to withdraw and transfer the case in O.S.No.139 of 2023 on the file of the District Munsif, Nilakkottai and transfer the same to the file of the 1st Additional District Court, Dindigul to decide the case along with O.S.No.436 of 2023.

For Petitioner : Mr.A.Shahul Hameed

For Respondents : Mr.T.Gopalakrishnan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of O.S.No.139 of 2023 from the file of the District Munsif, Nilakottai, to the file of the 1st Additional District Judge, Dindigul.



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2. The learned counsel appearing for the petitioner would aver, among other things, the respondents filed O.S.No.139 of 2023 on the file of the District Munsif, Nilakottai, for permanent injunction and filed I.A.NO.1 of 2023 for bare injunction. The petitioner filed a suit in O.S.No.436 of 2023 on the file of the 1st Additional District Court, for declaration, injunction, recovery of possession, mesne profits. The parties are one and the same in both suits. He prays that both suits may be jointly tried and disposed of.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials placed on record.

4. The learned counsel for the respondents submits that the matter may be referred to mediation since there is possibility of settlement between the parties.



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5. This Court is of the view that after transfer of the case, settlement can be effected between the parties before the trial court.

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition. I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following direction:

The District Munsif, Nilakottai, is directed to transmit the entire records in O.S.NO.139 of 2023 to the file of the 1st Additional District Court, Dindigul within a period of two weeks from the date of receipt of copy of this order to be tried along with O.S.No. 436 of 2023 and for disposal on merits.

No costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Munsif, Nilakottai.
- 2.The 1st Additional District Court, Dindigul.
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

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