



TR.CMP(MD).No.228 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.228 of 2023 and
CMP(MD).No.4896 of 2023

Murugesan

... Petitioner

Vs.

1.Pappathiammal

2.The Thashildar

**Taluk Office Gandarvakottai,
Pudukkottai District.**

3.The Taluk Surveyor,

**Gandarvakottai Taluk,
Office at Taluk Office Gandarvakottai,
Pudukkottai District.**

4.The District Collector,

**Office at Collectorate,
Pudukkottai Town and Munsif.**

... Respondents

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the O.S.No.07 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Gandharvakottai and transfer the same to the II Additional District Court, Thanjavur.

For Petitioner : Mr.A. Senthilkumar

For Respondents 2 to 4 : Mr.J. Ashok

Additional Government Pleader



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in O.S.No.07 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Gandharvakottai and transfer the same to the file of II Additional District Court, Thanjavur.

2. The suit in O.S.No.7 of 2020 pending on the file of the District Munsif Cum Judicial Magistrate, Gandharvakottai, Pudukkottai District in respect of the property comprised in S.No.126/9. It is also the subject matter of suit in O.S.No.269 of 2022, which is pending on the file of the Principal District Judge, Thanjavur.

3. The learned counsel appearing for the petitioner submitted that major portion of the suit property lies within the jurisdiction of the Principal District Judge, Thanjavur and hence, the suit in O.S.No.7 of 2020 pending on the file of the District Munsif Cum Judicial Magistrate, Gandharvakottai, Pudukkottai District may be transferred to the file of the Principal District Judge, Thanjavur to be tried along with suit in O.S.No. 269 of 2022 for joint trial.



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4. Considering the facts and circumstances and also considering the fact that the subject matter of the suit is one and the same, this Court is inclined to withdraw the suit in O.S.No.07 of 2020 from on the file of the District Munsif Cum Judicial Magistrate, Gandharvakottai and transfer the same to the file of the Principal District Court, Thanjavur to be tried along with suit in O.S.No.269 of 2022.

5. Accordingly, this Transfer CMP is disposed of. The learned District Munsif Cum Judicial Magistrate, Gandharvakottai is directed to transmit the entire records pertaining to the suit in O.S.No.7 of 2020 to the transferee Court within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

25.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The District Munsif Cum Judicial Magistrate, Gandharvakottai
2. The II Additional District Court, Thanjavur.



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G.ILANGOVA,J.

Trp

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25.03.2024