



*Tr.CMP.(MD)No.317 of 2024*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 06.09.2024**

**CORAM**

**THE HON'BLE MR JUSTICE P. VADAMALAI**

**Tr.CMP.(MD)No.317 of 2024**

M.Simson Daniel

.. Petitioner

**Vs.**

1.Pichammal

2.S.John Mahesh Gnanabalan

3.S.John Ramesh

4.S.John Selvakumar

5.S.Selva Agnes Jeba

6.K.Valarmathi

7.Jessica Agnes

Minor represented by her mother  
K.Valarmathi/6<sup>th</sup> respondent herein

8.Jerrica Agnes

Minor represented by her mother  
K.Valarmathi/6<sup>th</sup> respondent herein

.. Respondents



*Tr.CMP.(MD)No.317 of 2024*

**Prayer** : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Appeal Suit in A.S.No.61 of 2020 on the file of the Fast Track Mahila Court, Nagercoil, Kanyakumari District and transfer the same to the file of the Additional District and Sessions Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R5 : Ms.R.Jenifar Bibin

R6 : No Appearance

R7 & R8 : Minors

### **ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the Appeal Suit in A.S.No.61 of 2020 on the file of the Fast Track Mahila Court, Nagercoil, Kanyakumari District and transfer the same to the file of the Additional District and Sessions Court, Nagercoil, Kanyakumari District to be tried along with A.S.No.50 of 2020.

2. A suit in O.S.No.265 of 2014, seeking declaration of title and possession, and a suit in O.S.No.315 of 2014, seeking decree of specific performance of contract, were tried jointly by the learned II Additional



*Tr.CMP.(MD)No.317 of 2024*

Subordinate Judge, Nagercoil, and a common judgment was also passed on

22.07.2020.

3. Against the said common judgment and decree, an Appeal Suit in A.S.No.61 of 2020 has been filed as against the suit in O.S.No.265 of 2014 before the Fast Track Mahila Court, Nagercoil, and an Appeal Suit in A.S.No.50 of 2020 has been filed as against the suit in O.S.No.315 of 2014 before the learned Additional District and Sessions Judge, Nagercoil.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respondent Nos.1 to 5.

5. The learned counsel for the petitioner would submit that already the Original Suits in O.S.Nos.265 of 2014 and 315 of 2014 were tried jointly, and a common judgment and decree had also been passed on the same. It would only be proper and necessary if these appeals, in A.S.Nos.61 of 2020 and 50 of 2020, which arise out of common judgment passed in those suits, also be heard by one learned Judge for fair adjudication and to avoid conflicting judgments.



*Tr.CMP.(MD)No.317 of 2024*

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6. The learned counsel for respondent Nos.1 to 5 would submit that her clients have no objection for the transfer of Appeal Suit in A.S.No.61 of 2020 from the file of the Fast Track Mahila Court, Nagercoil, Kanyakumari District to the file of the Additional District and Sessions Court, Nagercoil, Kanyakumari District, and has prayed this Court to fix some time frame for the disposal of both the appeal suits as the appeal suits having been pending for the past four years.

7. Considering the above facts and circumstances of the case, and also, in order to avoid the conflicting judgments if both the appeal suits are tried by two different Courts, this Court is inclined to allow this petition.

8. The learned Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District is directed to transmit the entire records, pertaining to the case in A.S.No.61 of 2020, to the learned Judge, Additional District and Sessions Court, Nagercoil, Kanyakumari District within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Additional District and Sessions Court, Nagercoil, Kanyakumari District is directed to take the above appeal suit on



*Tr.CMP.(MD)No.317 of 2024*

file, and to hear both the appeals jointly and dispose of the same within a period of five months from the date of receipt of records in accordance with law.

9. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs.

**06.09.2024**

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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*Tr.CMP.(MD)No.317 of 2024*

**P. VADAMALAI, J.**

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To

- 1.The learned Judge, Fast Track Mahila Court,  
Nagercoil, Kanyakumari District
- 2.The learned Judge, Additional District and Sessions Court,  
Nagercoil, Kanyakumari District

**Tr.CMP.(MD)No.317 of 2024**

**06.09.2024**