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Tr.C.M.P(MD)No.322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.08.2024

Pronounced on : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.322 of 2024

and

C.M.P(MD)No.7175 of 2024

1. N.Ramanathan
2. Rm.Ram Narayanan

... Petitioners

Vs.

S.Parasmal

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.192 of 2023 from the file of the Principal District Judge, Pudukkottai and to transfer the same to the 3rd Additional District Judge, Trichy for joint trial along with O.S.No.330 of 2023 pending on the file the 3rd Additional District Judge, Trichy.

For Petitioners : Mr.B.Saravanan
Senior Counsel
for M/s. B.Saravanan Associates

For Respondent : Mr.R.Sundar



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in O.S.No.192 of 2023 from the file of the Principal District Judge, Pudukkottai and to transfer the same to the file of the 3rd Additional District Judge, Tiruchirappalli for joint trial along with O.S.No.330 of 2023.

2. The learned counsel for the petitioners has submitted that the respondent has filed a suit in O.S.No.330 of 2023 before the 3rd Additional District Court, Tiruchirappalli, for recovery of mortgage loan availed by the petitioners in respect of mortgaged property situated at Tiruchirappalli. The respondent has filed another suit in O.S.No.192 of 2023 before the Principal District Court, Pudukkottai, for recovery of loan on the basis of mortgage loan borrowed by the petitioners depositing title deeds of property situated at Pudukkottai. The learned counsel further submitted that the parties to both suits are permanent residents of Tiruchirappalli. Because of territorial jurisdiction, two suits were pending before different courts and the parties to the suits, the issues to be decided, evidence to be let in both suits are one and the same. Therefore, the petition is filed seeking for transfer.



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3. The learned counsel for the respondent has submitted that the parties are permanently residing in Tiruchirappalli, both are mortgage loans in respect of properties situated in two districts and hence, he has no objection for transferring the suit as sought in this petition.

4. On hearing both sides and on perusal of the records, the petitioners have produced copies of complaints in O.S.No.192 of 2023 and O.S.No.330 of 2023 and copies of mortgage deeds executed by the petitioners. On perusal of the same, it is clear that the petitioners, who are father and son have executed a mortgage loan of Rs.1,00,00,000/- (Rupees One Crore only) by mortgaging properties one set situated in Tiruchirappalli District and another set of properties situated in Pudukkottai District. It is also clear that both parties to both suits, the evidences to be let in and the issues to be decided are one and the same. Hence, for convenience of the parties, since both sides admitted that both parties are permanently residing in Trichy District, this Court is inclined to allow this petition and transfer the suit in O.S.No.192 of 2023 as sought in this petition.



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5. In the result, this Transfer Civil Miscellaneous Petition is allowed. The case in O.S.No.192 of 2023 from the file of the learned Principal District Judge, Pudukkottai, is ordered to be withdrawn and the same is transferred to the file of the 3rd Additional District Judge, Tiruchirappalli for joint trial along with O.S.No.330 of 2023. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Principal District Judge,
Pudukkottai.
- 2.The III Additional District Judge,
Tiruchirappalli.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.322 of 2024
and
C.M.P(MD)No.7175 of 2024

18.11.2024