



Tr.C.M.P.(MD)No.618 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.12.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.618 of 2024
and
C.M.P(MD)No.14863 of 2024

R.Ravi : Petitioner

Vs.

L.Kohilavani : Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in O.S.No.102 of 2022 from the file of the District Court, Tiruchirappalli and transfer the same to be tried along with O.S.No.33 of 2023 pending on the file of the I Additional District Court (PCR), Tiruchirappalli District for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.D.Boopal

For Respondent : Mr.T.Banumathy

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in O.S.No.102 of 2022 from the file of the



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District Court, Tiruchirappalli and transfer the same to be tried along with O.S.No.33 of 2023 pending on the file of the I Additional District Court (PCR), Tiruchirappalli District for disposal of the same on merits and in accordance with law.

2. It is not in dispute that the parties are husband and wife and their marriage was already dissolved. The petitioner/husband has filed a suit in O.S.No.33 of 2023 claiming partition and the same is pending on the file of the I Additional District Court (PCR), Trichy. The respondent/wife has also filed a suit in O.S.No.102 of 2022, claiming partition in respect of two other properties and the same is pending on the file of the District Court, Trichy.

3.The learned counsel for the respondent would submit that in the suit filed by the husband, plaintiff side evidence was already over and stands posted for the respondent/defendant side evidence and whereas in the other suit filed by the wife, proof affidavit of the plaintiff therein has been filed.



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4. When the matter is taken up for hearing today, the learned counsel on either side would submit that both suits may be transferred to the same Court ie., either before the Principal District Court or before the District Court.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, since the suit in O.S.No.33 of 2023 pending on the file of the I Additional District Court (PCR), Trichy, is part heard stage, this Court is of the view that the suit in O.S.No.102 of 2022, is ordered to be withdrawn from the file of the District Court, Trichy and transfer the same to the file of the I Additional District Court (PCR) Court, Trichy. The learned District Judge, Trichy, is hereby directed to transmit the entire records in O.S.No.102 of 2022 to the file of the I Additional District Court (PCR) Court, Trichy, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned I Additional District Judge, (PCR) Court, Trichy, is directed to take up the suit in O.S.No.102 of 2022 and proceed with the trial simultaneously.



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6. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

No costs.

19.12.2024

NCC :yes/No
Index :yes/No
Internet :yes/No
das

To

1. The District Judge, Tiruchirappalli.
2. The I Additional District Judge (PCR) Court,
Trichy.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Tr.C.M.P.(MD)No.618 of 2024
and
C.M.P(MD)No.14863 of 2024

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