



TR.C.M.P. (MD) Nos. 737 and 738 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

TR.C.M.P. (MD) Nos. 737 and 738 of 2023

and

C.M.P. (MD) No. 16457 of 2023

P.Manimaran (died)

- 1.M.Nirmala Rani
- 2.M.Rajamaran
- 3.M.Sugumaran
- 4.P.M.Balumaran
- 5.P.M.Ravimaran

... Petitioners in both Petitions

-VS-

A.Subbiah

... Respondent
(TR.C.M.P. (MD) No. 737 of 2023)

- 1.A.Subbiah
- 2.The Sub Registrar,
Joint-IV (Madurai South),
Palanganatham,
Madurai.

... Respondents in
(TR.C.M.P. (MD) No. 738 of 2023)

COMMON PRAYER:- Transfer Civil Miscellaneous Petitions filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the suit in O.S. No. 5 of 2022 and O.S. No. 169 of 2021 from the file of the First Additional District Court, Madurai and to transfer the same to the file of the Sixth Additional District Court, Madurai to be tried along with the suit in O.S. No. 247 of 2021.



TR.C.M.P. (MD) Nos. 737 and 738 of 2023

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in TR.C.M.P. (MD) No. 737 of 2023

For Petitioners : Mr. J.Barathan
For Respondent : Mr. Ayyanar Premkumar
for Ms.P.Sepana @ Sree

in TR.C.M.P. (MD) No. 738 of 2023

For Petitioners : Mr. J.Barathan
For R1 : Mr. Ayyanar Premkumar
for Ms.P.Sepana @ Sree
For R2 : Mr. C.Baskaran
Government Advocate

COMMON ORDER

This Transfer Civil Miscellaneous Petitions invoking Section 24 of the Civil Procedure Code has been filed to transfer the suits in O.S. No. 5 of 2022 and O.S. No. 169 of 2021 from the file of the First Additional District Court, Madurai to the file of the Sixth Additional District Court, Madurai. The parties are hereinafter referred to as by the description in the suit in O.S. No. 5 of 2022 before the Trial Court for the sake of clarity and convenience.

2. Heard Mr. J.Barathan, Learned Counsel for the Plaintiffs, Mr. Ayyanar Premkumar, Learned Counsel appearing for the Defendant and



TR.C.M.P. (MD) Nos. 737 and 738 of 2023

Mr. C.Baskaran, Learned Government Advocate appearing for the Sub Registrar and perused the materials placed on record, apart from the pleadings of the parties.

3. Learned Counsel for the Plaintiffs submits that the suit in O.S. No. 247 of 2021 between the same parties is pending before the Sixth Additional District Court, Madurai, which may be transferred to the file of the First Additional District Court, Madurai, so as to conduct joint trial along with O.S. No. 169 of 2021 and O.S. No. 5 of 2022 in order to avoid conflict of judicial views.

4. Having regard to the aforesaid submissions made, the suit in O.S. No. 247 of 2021 is transferred from the file of the Sixth Additional District Court, Madurai to the file of the First Additional District Court, Madurai to conduct joint trial along with O.S. No. 169 of 2021 and O.S. No. 5 of 2022. It shall be ensured that there are atleast two effective hearings every month showing progress of the cases, and the Trial Court shall send monthly reports to the Registrar (Judicial) of this Court till all three suits are disposed.



TR.C.M.P. (MD) Nos. 737 and 738 of 2023

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In the result, the Transfer Civil Miscellaneous Petitions are ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.04.2024

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 30.04.2024.



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TR.C.M.P. (MD) Nos. 737 and 738 of 2023

P.D. AUDIKESAVALU, J.

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Copy To:-

- 1.The First Additional District Court, Madurai.
- 2.The Sixth Additional District Court, Madurai.
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.

TR.C.M.P. (MD) Nos. 737 and 738 of 2023

22.04.2024