



Tr.C.M.P.No.717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.03.2025**

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P.No.717 of 2023

and

C.M.P.No.17408 of 2023

R.Santhi

... Petitioner

Vs

1.Srikanth

R.Chakkubai (Died)

2.S.Kiruparani

3.T.R.Kumar

4.S.Viswanathan

5.The Sub-Registrar,
Tirukoilur,
Villupuram District.

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.317 of 2014 on the file of District Munsif Court, Tirukoilur, Villupuram District and transfer the same to the learned Subordinate Judge, Salem District for conducting a



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joint trial along with O.S.No.317 of 2010 on the file of the learned I
Additional Sub-Ordinate Judge, Salem.

For Petitioner : Mr.B.Sundarapandiyan
For Respondent-1 : Mr.R.Subramanian
For Respondent-3 : M/s.G.Sumithra
For Respondent-5 : Mr.P.Gurunathan
Additional Government Pleader
For Respondents 2 & 4 : Given up

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner / 4th defendant seeking to withdraw the suit in O.S.No.317 of 2014 on the file of District Munsif Court, Tirukoilur, Villupuram District and transfer the same to the file of the Subordinate Court, Salem District for conducting a joint trial along with O.S.No.317 of 2010 pending on the file of the learned I Additional Subordinate Court, Salem.



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2. The suit O.S.No.317 of 2010 has been filed by the 3rd respondent herein seeking a 4/5th share in the suit I item of the property, ½ share in Items 6 to 7 and 10 and 9/15th share in respect of Items of 2,3, 4 5, 8 and 9.

3. The suit O.S.No.317 of 2014 has been filed by the 1st respondent herein on the file of the District Munsif, Thirukovilur for a declaration that the Deed of Conveyance dated 30.06.2011 executed by the defendants 1 and 2 in favour of the 4th defendant is null and void.

4. It is the contention of the petitioner that the property which is the subject matter of the suit O.S.No.317 of 2014 is the 8th Item of property in the suit O.S.No.317 of 2010. The petitioner would further submit that she has already been impleaded in the suit O.S.No.317 of 2010 as the 4th defendant.



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5. Considering the fact that the subject matter of the suit

O.S.No.317 of 2014 is also the subject matter of the suit O.S.No.317 of 2010 pending on the file of the I Additional Subordinate Judge, Salem and the parties are also the same, it would be appropriate to transfer the suit O.S.No.317 of 2014 from the file of the District Munsif Court, Thirukovilur to the Subordinate Court, Salem to be tried along with O.S.No.317 of 2010 in order to avoid multiplicity of proceedings. There was no serious contest for the transfer.

6. Therefore the transfer civil miscellaneous petition is allowed.

O.S.No.317 of 2014 pending on the file of the District Munsif, Thirukovilur is withdrawn and transferred to the file of the Subordinate Judge, Salem to be tried along with O.S.No.317 of 2010. It is needless to state that considering the fact that the suit for partition has been pending from the year 2010, a direction is issued to the learned Subordinate Judge, Salem to dispose of the above suits within a period of 6 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.



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To

1. The District Munsif,
Tirukovilur, Villupuram District
2. The Subordinate Court, Salem District.

P.T. ASHA, J.,

srn



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