



Tr CMP.No.801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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L.Ganesh Rao : Petitioner

versus

1.L.Palani Rao

2.L.Murali Rao

3.L.Babu Venkatrama Rao

4.Sasikala

5.Geethanjali

6.Jeevitha : Respondents

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the O.S.No.125 of 2019 on the file of the Principal Sub Court, Krishnagiri and transfer the same to the file of the Sub Court, Ranipet, Vellore District for joint trial with O.S.No.191 of 2013.

For Petitioner : Mr.C.S.Saravanan



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For Respondents : Mr.J.Pradeep

ORDER

This transfer petition seeks to withdraw O.S.No.125 of 2019 on the file of the Principal Sub Court, Krishnagiri and transfer the same to the file of the Sub Court, Ranipet, Vellore District for joint trial along with O.S.No.191 of 2013.

2. Both O.S.No.191 of 2013 and O.S.No.125 of 2019 are suits for partition. There is no dispute in the relationship between the petitioner and the respondents. They are siblings.

3. Claiming that the properties situated within the jurisdiction of the Sub Court at Ranipet are susceptible to division, the third respondent presented a suit for partition in O.S.No.191 of 2013. Similarly, claiming that the property situated within the jurisdiction of the Sub Court at Krishnagiri are ancestral assets, the transfer petitioner along with the respondents 1 and 2 presented O.S.No.125 of 2019 before the learned Principal Subordinate Judge at Krishnagiri.



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4. O.S.No.191 of 2013 being a suit pending for 11 years, the learned Trial Judge has taken the suit for trial and has completed the trial. It is today listed for arguments. Insofar as O.S.No.125 of 2019 is concerned, pleadings have been completed and the suit is ripe for trial.

5. The relationship between the parties being admitted and the dispute being only whether the suit properties in O.S.No.125 of 2019 are joint family properties or self acquisitions of the respondents herein, it is in the interest of justice both the suits be tried together.

6. A perusal of the papers reveals that the parties in the respective suits are senior citizens.

7. Accordingly, this transfer petition is disposed of with the following terms:

(i) O.S.No.125 of 2019 on the file of the Principal Sub Court, Krishnagiri is withdrawn and is transferred to the file of the Sub Court at



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Ranipet, Vellore District.

(ii) Papers shall be forwarded by the learned Principal Subordinate Judge, Krishnagiri forthwith to the file of the Sub Court at Ranipet, Vellore.

(iii) On receipt of records, the learned Subordinate Judge at Ranipet shall number the same immediately and call this suit along with O.S.No.191 of 2013.

(iv) As the evidence in OS.No.191 of 2013 is over, the learned Judge shall await the trial to be completed in O.S.No.125 of 2019 and dispose of both the suits by rendering a common judgment.

(v) As the first suit has been pending for a decade and the second suit is pending for more than five years, the learned Subordinate Judge at Ranipet shall expedite the suit in O.S.No.125 of 2019 on its transfer to its file at all stages. He shall ensure that unnecessary adjournments are not



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granted in the matter and that, the suit is granted an effective hearing at least twice a week.

(vi) Once the evidence in O.S.No.125 of 2019 is completed, the learned Trial Judge shall pronounce a common judgment in both the suits.

(vii) In any event, the suits should be disposed of within a period of nine months from the date of receipt of records by the learned Subordinate Judge.

24.01.2025

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No

To

- 1.The Principal Subordinate Judge, Principal Sub Court, Krishnagiri
- 2.The Subordinate Judge, Sub Court, Ranipet, Vellore District



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V.LAKSHMINARAYANAN, J.
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