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Tr.C.M.P.Nos.1103 & 1105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.1103 & 1105 of 2024

Tr.C.M.P.No.1103 of 2024 :-

R.Senthil Kumar

... Petitioner

Vs

R.Sharmila

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw suit filed by the first respondent in O.S.No.1029 of 2024 on the file of the learned II Additional Sub Judge, Coimbatore and transfer the same to the learned II Additional District Judge, Salem and try along with O.S.No.809 of 2024 on the file of the learned II Additional District Judge, Salem.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Subramanian

Tr.C.M.P.No.1105 of 2024 :-

R.Senthil Kumar

... Petitioner

Vs

1. M.Santhi
2. R.Sharmila
3. Arul

4. The District Collector,
District Collectorate,
Dharmapuri District.



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5. The District Collector,
District Collectorate,
Salem District.

6. The District Registrar,
Integrated Registrar Office,
S.V.Road,
Dharmapuri.

7. The District Registrar,
Registrar Office,
Salem.

8. Thasildhar,
Thasildhar Office,
Nallampalli.

9. Thasildhar
Thasildhar Office,
Salem.

10. The Sub Registrar (North),
Integrated Registrar Office,
S.V.Road, Dharmapuri.

11. Joint – I Sub-Registrar (North),
District Registrar Office,
Salem.

12. The Sub Registrar,
Sub-Registrar Office,
Mecheri.

13. The Village Administrative Office,
VAO Office,
Kaanihaarahalli.

14. Village Administrative Office,
VAO Office,



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Kaadayampatti (South),
Kaadayampatti Village & Taluk,
Salem District.

15. Maadhu

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw suit filed by the first respondent in O.S.No.173 of 2022 on the file of the Additional District Court, Dharmapuri and transfer the same to the learned II Additional District Judge, Salem and try along with O.S.No.809 of 2024 on the file of the learned II Additional District Judge, Salem.

For Petitioner : Mr.R.Nalliyappan

For Respondents

For R1 : Mr.S.Subramanian

For R4 to R13 : Mr.N.Muthuvel
Government Advocate

COMMON ORDER

The transfer petition in Tr.C.M.P.No.1105 of 2024 seeks for withdrawal of suit in O.S.No.173 of 2022 on the file of the Additional District Court at Dharmapuri and transfer the same to the learned II Additional District Judge, Salem for trial along with O.S.No.809 of 2024. The transfer petition in Tr.C.M.P.No.1103 of 2024 seeks for withdrawal of suit in O.S.No.1029 of 2024 from the file of the learned II Additional Sub Judge, Coimbatore and transfer the same to the file of the learned II



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Additional District Judge, Salem for trial along with O.S.No.809 of 2024.

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2. There is no dispute in relationship between the parties, they are sibilings. O.S.No.173 of 2022 is a suit for partition and separate possession instituted before the Additional District Court at Dharmapuri. After the institution of that suit, two other suits have come to be filed in O.S.No.809 of 2024 and O.S.No.1029 of 2024. The parties having approached the Court first in Dharmapuri, subsequent proceedings would necessarily have to be tried by that Court.

3. I had issued notice in both the transfers recording this fact. Summons have been served and Mr.S.Subramanian, learned counsel entered appearance for the contesting respondents.

4. I have heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner, Mr.M.Subramanian & Mr.S.Sudarshan for the respondents and Mr.Muthuvel, learned Government Advocate for the State respondents.

5. As O.S.No.173 of 2022 is pending before the Additional



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District Court at Dharmapuri, the said Court possesses the jurisdiction to entertain O.S.No.809 of 2024 as well as O.S.No.1029 of 2024.

Accordingly, O.S.No.809 of 2024 on the file of the learned II Additional District Judge, Salem and O.S.No.1029 of 2024 on the file of the learned II Additional Sub Judge, Coimbatore, are withdrawn and transferred to the file of the learned Additional District Judge at Dharmapuri. The learned Additional District Judge at Dharmapuri, on receipt of the records, shall club these two suits along with O.S.No.173 of 2022 and dispose of the same by a common judgment.

6. The Transfer Civil Miscellaneous Petitions are ordered on the above terms. No costs.

24.01.2025

Index :Yes/No

Speaking order/Non-speaking order

Neutral Citation :Yes/No

rts

To

- 1.The Additional District Judge at Dharmapuri.
- 2.The II Additional District Judge, Salem.
- 3.The II Additional Sub Judge, Coimbatore.



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V. LAKSHMINARAYANAN, J.

rts

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