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Tr.CMP.No.1316 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.1316 of 2024

Vijaya

... Petitioner

Versus

1. Nagappan,
2. Manmathan,
3. Indirani,
4. Saravanan,
5. Rajeshwari,
6. Arjunan

... Respondents

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the OS No.209 of 2024, pending on the file of Sub-Court, Palacode, Dharmapuri District and transfer the same to the Sub-Court, Krishnagiri to be tried along with OS No.132 of 2023.

For Petitioner : Mr.D. Ramesh Kumar

For Respondents : No appearance

ORDER

The Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the OS No.209 of 2024, pending on the file of Sub-Court, Palacode, Dharmapuri District and transfer the same to the Sub-Court,



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Krishnagiri to be tried along with OS No.132 of 2023.

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2. Despite service of notice in the above transfer petition, the respondents have neither chosen to appear in person nor through counsel. The name of the respondents is also printed in the cause list. The respondents are called and set ex-parte. Hence, I have proceeded to hear the learned counsel for the petitioner. I have also gone through the affidavit filed in support of the request for transfer.

3. The petitioner has stated that both suits have been filed seeking for partition in the suit schedule property. In view of the territorial jurisdiction, the suit in O.S. No.145 of 2023 has been transferred to Sub-Court, Palacode, Dharmapuri District and renumbered as OS No.209 of 2024 which was originally filed on the file of the Sub-Court, Harur, Dharmapuri, with regard to the property situate at Dharmapuri District and another suit for partition in OS No.132 of 2023 has been filed on the file of the Sub-Court, Krishnagiri with regard to the property situate at Krishnagiri. Since the parties in both suits are one and the same and to avoid multiplicity of proceedings and conflict of decisions, the both suits are to be tried jointly. Hence, he seeks the



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relief as prayed for. I am satisfied that the petitioner has made out good ground for transferring the said transfer petition.

4. In the light of the above, this Transfer Civil Miscellaneous Petition is allowed. The case in OS No.209 of 2024, is withdrawn from the file of the Sub-Court, Palacode, Dharmapuri District and transferred the same to the file of the Sub-Court, Krishnagiri to be tried along with OS No.132 of 2023. Considering the facts there shall be no orders as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.09.2025

Lbm
Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To

1. The Sub-Court, Palacode, Dharmapuri District
2. The Sub-Court, Krishnagiri

M.JOTHIRAMAN,J

lbm



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