



Tr.CMP.(MD)No.51 of 2025

WEB COPYBEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.51 of 2025

and

C.M.P.(MD)No.1477 of 2025

R.Shobana

.. Petitioner

Vs.

1.R.Shyamala

2.P.K.Rajasekaran

3.R.Prabhu Shankar

4.R.Keerthana

5.D.Radhakrishnan

6.D.Sakthivel

7.J.Karthick alias Nivaskar

.. Respondents

(Respondent Nos.5 to 7 are impleaded vide Court order, dated 28.03.2025, made in C.M.P.(MD)No.5022 of 2025 in Tr.C.M.P.(MD) No.51 of 2025 by PVMJ)



Tr.CMP.(MD)No.51 of 2025

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.246 of 2022 on the file of the Principal District Court, Dindigul and transfer the same to the file of the IV Additional District Court, Madurai to be tried along with O.S.No.187 of 2023.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.S.No.246 of 2022 on the file of the Principal District Court, Dindigul and transfer the same to the file of the IV Additional District Court, Madurai to be tried along with O.S.No.187 of 2023.

2. The respondents herein have initiated a suit for partition against the petitioner herein in O.S.No.246 of 2022 on the file of the Principal District Court, Dindigul. Thereafter, the petitioner has also initiated a suit for partition against the respondents herein in O.S.No.187 of 2023 on the file of the IV Additional District Court, Madurai.

3. The name of the respondents have been printed in the cause list.



Tr.CMP.(MD)No.51 of 2025

Despite the names have been printed in the cause list, the respondents have neither entered appearance through a counsel nor in-person to oppose this transfer petition.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel for the petitioner submits that the parties in the suits are one and the same and the suit properties are also one and the same, and most of the suit properties are situated at Vadipatti, which is under the jurisdiction of Madurai and only one property is situated at Dindigul. He further submits that if these two suits are tried separately by two different Courts, conflicts of judgments could be arrived. Hence, the proceeding in O.S.No.246 of 2022, initiated by the respondents, may be transferred from the file of the Principal District Court, Dindigul to the file of the IV Additional District Court, Madurai to be tried along with O.S. No.187 of 2023.

6. Considering the overall facts and circumstances of the case, and also considering the reasons stated by the learned counsel for the petitioner, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.51 of 2025

WEB COPY 7. The learned Judge, Principal District Court, Dindigul is directed to transmit the entire records, pertaining to the case in O.S.No.246 of 2022 to the file of the IV Additional District Court, Madurai within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, IV Additional District Court, Madurai is directed to take the case on file, and try the case along with O.S.No.187 of 2023, and dispose of both the cases as expeditiously as possible in accordance with law.

8. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

29.04.2025

mkn
Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.51 of 2025

P. VADAMALAI, J.

mkn

To

- 1.The Principal District Court,
Dindigul.
- 2.The IV Additional District Court,
Madurai.

Tr.CMP.(MD)No.51 of 2025
and
C.M.P.(MD)No.1477 of 2025

29.04.2025