

Tr.CMP.(MD)Nos.152 & 262 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)Nos.152 & 262 of 2025

and

C.M.P.(MD)Nos.3871 & 6989 of 2025

Tr.C.M.P.(MD).No.152 of 2025

Pushparani

.. Petitioner/16th Defendant

Vs.

1.Velmurugan

... 1st Respondent/Plaintiff

Rakkammal (Died)

2.M.Thirumalairajan

3.M.Mohan

4.M.Amutha

5.M.Anbuselvi

6.P.Jeyandra Pandian

7.U.Venkatachala Kumar

8.A.P.Ganapathy

9.K.M.Kannan

10.E.M.S.Sukumaran

11.S.Balasubramanian

12.N.Parasakthi

13.The Sub Registrar,

Office of the Sub Registrar,

Thamaraipatti,

Office at Thirumohour Road,

Rajagambeeram, Y.Othakadai,

Madurai District.



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14.The Sub Registrar,
Office of he Sub Registrar,
Chittampatti, Office at Melur Road,
Madurai District.

15.The District Registrar,
Madurai North,
Office of the District Registrar,
Thirumohour Road, Rajagambeeram,
Y.Othakadai, Madurai District.

... Respondents 2 to 15/Defendants 2 to 15

16.V.Subha
17.Santhi
18.K.Matcharaja
19.Shyamala
20.Gayathiri
21.K.Veeranan
22.C.Murugan
23.Srividhya
24.Venkatak Krishnan
25.Mariyajoseph
26.Jeya
27.B.Saravanakumar
28.Vijayakumar
29.Vijayalakshmi
30.Radhika Aravindkumar
31.Jeyaraj
32.S.Balasubramanian
33.R.Latharamalakshmi
34.Sundar
35.Suresh
36.Vasuki
37.Poongodi
38.Janasumal Finance,
Thro its Branch Manager,
D.No.10, Krishnapuram,
Madurai Managaram,
Madurai District.



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39.The President,
Kallanthiri Village Panchayat,
Madurai East Taluk, Madurai District.

40.The Assistant Engineer,
TANGEDCO, Alagarkovil Office,
Madurai East Taluk, Madurai District.

41.The Block Development Officer,
Madurai East Panchayat Union,
Madurai East Taluk, Madurai District.

... Respondents 16 to 41

(Respondents 16 to 41 are impleaded as per the order of this Court dated 14.03.2025 made in CMP.(MD).No.4317 of 2025 as party to the proceedings)

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the suits in O.S.No.358 of 2014 and counter claim petition in C.C.P.No.10 of 2022 on the file of the District Munsif Court, Melur and transfer the same to the V Additional District Court, Madurai, to try the same along with O.S.No.425 of 2022.

For Petitioner : Mr.Siva Thilakar for
Mr.N.Kamesh

For Respondents : Mr.P.Prabakaran for R10
Mr.M.Muthumanikkam for R13 to 15 & R41
Government Advocate

Tr.C.M.P.(MD).No.262 of 2025

Pushparani

.. Petitioner/4th Defendant
in O.S.No.69 of 2019



Tr.CMP.(MD)Nos.152 & 262 of 2025

Vs.

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1.E.M.S.Sukumaran

... 1st Respondent/Plaintiff
in O.S.No.69 of 2019

2.The Sub Registrar,
Thamaraipatti Sub Registrar Office,
Madurai East Taluk,
Madurai.

3.The Sub Registrar,
Othakadai,
Madurai.

4.The District Registrar,
Registration Department,
Madurai.

... Respondents 2 to 4/Defendants 1 to 3
in O.S.No.69 of 2019

5.Anbuselvi
6.M.Amutha
7.M.Thirumalairajan
8.M.Mohan
9.M.Murugan @ Velmurugan
10.U.Venkatachala Kumar
11.A.P.Ganapathy
12.K.M.Kannan

... Respondents 5 to 12/Defendants 1 to 8
in O.S.No.425 of 2022

13.V.Subha
14.Santhi
15.K.Matcharaja
16.Shyamala
17.Gayathiri
18.K.Veeranan
19.C.Murugan
20.Srividhya
21.Venkatakrishnan
22.Mariyajoseph

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23.Jeya

24.B.Saravanakumar

25.Vijayakumar

26.Vijayalakshmi

27.Radhika Aravindkumar

28.Jeyaraj

29.S.Balasubramanian

30.R.Latharamalakshmi

31.N.Parasakthi

32.Sundar

33.Suresh

34.Vasuki

35.Poongodi

36.Janasumal Finance,
Thro its Branch Manager,
D.No.10, Krishnapuram,
Madurai Managaram, Madurai District.

37.The President,
Kallanthiri Village Panchayat,
Madurai East Taluk, Madurai District.

... Respondents 13 to 37/ Defendants
10 to 34 in O.S.No.425 of 2022

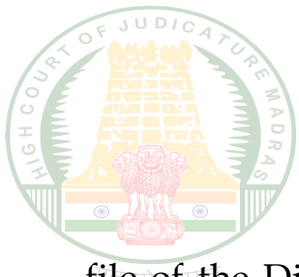
38.The Assistant Engineer,
TANGEDCO, Alagarkovil Office,
Madurai East Taluk, Madurai District.

39.The Block Development Officer,
Madurai East Panchayat Union,
Madurai East Taluk, Madurai District.

... Respondents 38 & 39/ Defendants
37 & 38 in O.S.No.425 of 2022

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section

151 of the Code of Civil Procedure, to withdraw the suits in O.S.No.69 of 2019 on the



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file of the District Munsif Court, Melur and transfer the same to the V Additional District Court, Madurai, to try the same along with O.S.No.425 of 2022.

For Petitioner : Mr.Siva Thilakar for
Mr.N.Kamesh

For Respondents : Mr.P.Prabakaran for R1
Mr.M.Muthumanikkam for RR2, 3, 4 & 39
Government Advocate
No Appearance for RR5, 6, 7, 15, 22, 24, 26,
31, 32, 36, 37, 38, 9, 17, 29, 35, 18, 27,
28 & 34

COMMON ORDER

These Transfer Civil Miscellaneous Petitions have been filed to withdraw the suits in O.S.No.358 of 2014 and counter claim petition in C.C.P.No.10 of 2022 and O.S.No.69 of 2019 on the file of the District Munsif Court, Melur and transfer the same to the V Additional District Court, Madurai, to try the same along with O.S.No.425 of 2022.

2. The petitioner who is 16th defendant in O.S.No.358 of 2014 and 5th defendant in O.S.No.69 of 2019, on the file of the learned District Munsif, Melur, has filed the transfer civil miscellaneous petitions, stating that a connected suit is pending before the V Additional District Munsif, Madurai in O.S.No.425 of 2022.

Two suits have been filed for partition. One suit is to set aside the sale deeds. The



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issue involved in this matter is common and relating to the entitlement of the share
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of the parties. Therefore, the learned counsel for the petitioner submitted that all the
cases may be jointy tried by the learned V Additional District Judge, Madurai.

3.Even though the learned counsel for the respondents initially objected to
allow these petitions on the ground of dismissal of the earlier transfer civil
miscellaneous petitions, after considering the binding nature of the decree which
would be passed in the suits, he fairly submitted that since common issues are
involved there is no bar to transfer the suits from the file of the learned District
Munsif, Melur to the file of the learned V Additional District Judge, Madurai, to try
along with the suit in O.S.No.425 of 2022.

* “ 4. The learned counsel for the respondent would further submit
that in O.S.No.69 of 2019 exparte evidence was taken and exparte
decree was also passed and the same was subsequently set aside on the
petition filed by the party to the proceedings connected suit in O.S.No.
223 of 2018 is also pending before the learned District Munsif Court,
Melur.

5.Now in all the cases, pleadings have been completed and posted for
framing the issues. In view of the facts and circumstances of the case, in the interest
of Justice and to avoid conflict of decisions, this Court is of the view that all the



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matters should be jointly tried by the learned V Additional District Judge, Madurai.

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6. Accordingly, this Court is inclined to dispose these petitions with the following directions.

- (i) **** 6.(i) The learned District Munsif, Melur, is hereby directed to transfer the entire records pertaining to the suit in O.S.No. 358 of 2014 along with the counter claim petition in C.C.P.No. 10 of 2022 and also the suits in O.S.No.69 of 2019 and O.S.No. 223 of 2018 from his file to the file of the V Additional District Judge, Madurai, to try along with the O.S.No.425 of 2022.****
- (ii) Considering the pendency of the cases from the year 2014, this Court directs the V Additional District Judge, Madurai to take all these cases on file and dispose of all the cases along with O.S.No.425 of 2022 within a period of six months from the date of receipt of the copy of this Order.
- (iii) This Court directs all the parties to the proceedings to co-operate to complete the trial proceedings without seeking unnecessary adjournments.



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7. With the above said directions, these Transfer Civil Miscellaneous Petitions are disposed of. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar((RTI))

(*)Corrected as per order of this Court dated 25/08/2024 made in Tr.CMP. (MD)Nos.152 & 262 of 2025

Sd/-

Assistant Registrars(RTI)

// True Copy //

/ /2025

Sub Assistant Registrar

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To

(*)To be substituted to the order already despatched on 19/08/2025

1.The District Munsif, Melur, Madurai District.

2.The V Additional District Judge, Madurai.

3.The Sub Registrar,
Office of the Sub Registrar,
Thamaraipatti,
Office at Thirumohour Road,
Rajagambeeram, Y.Othakadai,
Madurai District.

4.The Sub Registrar,

<https://www.mca.gov.in/>



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Madurai District.

5.The District Registrar,
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Office of the District Registrar,
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6. The President,
Kallanthiri Village Panchayat,
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7.The Assistant Engineer,
TANGEDCO, Alagarkovil Office,
Madurai East Taluk, Madurai District.

8.The Block Development Officer,
Madurai East Panchayat Union,
Madurai East Taluk, Madurai District.

+1 CC to M/s.S.P.PRABAKARAN, Advocate (SR-40640[F] dated 07/07/2025)
+1 CC to M/s.SPL GP (SR-41051[F] dated 08/07/2025)

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and
C.M.P.(MD)Nos.3871 & 6989 of 2025

07.07.2025

JJ/07.08.2025 10P/ 11C

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CT (25/08/2025) 10P/11C

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