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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.328 of 2025

and

C.M.P.(MD)No.8870 of 2025

Pothuraja

... Petitioner/Appellant

Vs.

1.V.Chandran

2.M.Periyaampillai

3.P.Subramani

4.V.Muthuraja

5.R.Krishnan

... Respondents 1 to 5/

Respondents 1 to 5

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer A.S.No.56 of 2023 pending on the file of the II Additional Subordinate Court, Madurai, and to be tried along with A.S.No.18 of 2023 pending on the file of the Principal Subordinate Court, Madurai.

For Petitioner : Mr.S.Ramakrishnan

For Respondents : Mr.M.R.Sreenivasan



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in suit in A.S.No.56 of 2023 on the file of the II Additional Subordinate Court, Madurai, and to be tried along with A.S.No.18 of 2023 pending on the file of the Principal Subordinate Court, Madurai.

2. The learned counsel for the petitioner would submit that the petitioner has preferred two appeal suits in A.S.Nos.18 of 2023 on the file of the Principal Subordinate Court, Madurai, and A.S.No.56 of 2023 on the file of the II Additional Subordinate Court, Madurai, challenging the judgement and decree passed by the District Munsif Court, Vadipatti, Madurai District, in O.S.No.202 of 2013 dated 09.01.2023 and and O.S.No. 317 of 2008 dated 15.02.2023. The issue involved in both the suits is one and the same and both are interconnected with all aspects. To avoid conflict of judgments, he seeks to allow the petition.



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3. The learned counsel for the respondents on instructions and also upon perusal of the learned trial Judge and the grounds raised by the learned counsel for the petitioner that the issue involved in both the cases is one and the same and to avoid conflict of judgment, the same has to be tried along together.

4. This Court considered the rival submissions and perused the materials available on record.

5. Considering the issue involved in both the suits is one and the same and both are interconnected with all aspects and both the learned counsel appearing on behalf of the parties also agreed to transfer, this Court thought it fit to transfer the case in A.S.No.56 of 2023 pending on the file of the II Additional Subordinate Court, Madurai, to the file of the Principal Subordinate Court, Madurai.



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6. The learned II Additional Subordinate Court, Madurai, is hereby directed to transfer the entire records pertaining to the case, in A.S.No.56 of 2023, to the file of the Principal Subordinate Court, Madurai, within a period of **four** weeks from the date of receipt of a copy of this order, and on receipt of such records, the Principal Subordinate Court, Madurai, is directed to take the case on file and try the same along with A.S.No.18 of 2023, which was already filed by the petitioner and dispose of the cases as expeditiously as possible in accordance with law.

7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs.

21.07.2025

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

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To

- 1.The II Additional Subordinate Court,
Madurai.
- 2.The Principal Subordinate Court,
Madurai.



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K.K. RAMAKRISHNAN, J.

dss

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