

Tr.C.M.P(MD).No.449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.449 of 2023
and
C.M.P(MD)No.9459 of 2023

P.N.Ditto

: Petitioner

Vs.

1.T.Sathiyamoorthy

2.The Sub-Regisrar,
Thirupparankundram Sub Registrar Office,
Thirupparankundram, Madurai.

3.Sundari

4.The District Registrar,
No.171, Mahal Road,
Madurai 625 001.

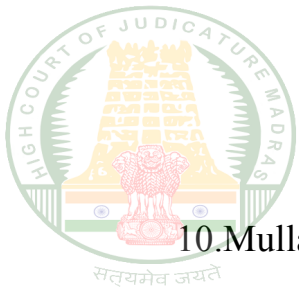
5.The Deputy Inspector General,
Combined Buildings, Othakadai,
Madurai- 1.

6.Murugesan

7.Tamilselvi

8.Dhanalakshmi

9.Jayaraman



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10.Mullai Arasu

11.Tamilselvi

12.A.Ponraj

13.R.Kanimozhi

14.P.Satheskumar

15.Pugalendhi

16.Ramakrishnan

17.Angayarkanni

18.R.Loganathan

19.S.Mahalakshmi

20.Lalitha Ammal

21.P.Santhanalakshmi

22.O.Jeyadevi

23.K.Deivam

24.V.P.Rajendran

25.R.Rekha

26.S.Murugesan

: Respondents

(Respondents 10-27 notice not necessary)

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.3 of 2019 on the file of



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the Sub Court, Thirumangalam and transfer the same to the file of the VI Additional District Court, Madurai to try together along with the suit in O.S.No.71 of 2017 on the file of the VI Additional District Court, Madurai.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.B.Jameel Arasu, for R1.

: Mr.B.Saravanan,
Additional Government Pleader,
for R2, R4 & R5.

: No Appearance, for R3, R6 to R9.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.3 of 2019 on the file of the Sub Court, Thirumangalam and transfer the same to the file of the VI Additional District Court, Madurai to try together along with the suit in O.S.No.71 of 2017 on the file of the VI Additional District Court, Madurai.

2. It is not in dispute that the petitioner has filed a suit in O.S.No.71 of 2017 against the first respondent and two others to declare that the documents registered in Doc.No.877 of 2005 is null and void and for consequential permanent injunction restraining the defendants therein from making any



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alienations or encumbrances over the suit property and also for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property and that the said suit is pending on the file of the VI Additional District Court, Madurai.

3.During the pendency of the above suit, the first respondent has filed a suit in O.S.No.3 of 2019 against some of the respondents herein and the same is pending on the file of the Sub Court, Thirumangalam.

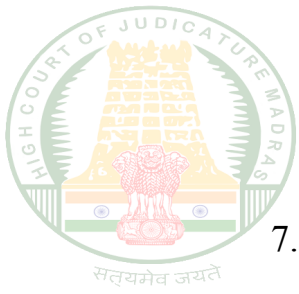
4.The learned counsel for the petitioner would submit that though the first respondent has filed an application to implead the present petitioner as one of the defendant in O.S.No.3 of 2019, after enquiry, the same came to be dismissed. Challenging the said order, the first respondent has preferred a revision before this Court and the same is pending. He would further submit that the petitioner has filed the earlier suit for declaration and for injunction and subsequently, the first respondent has filed the second suit and that since they have attempted to implead the petitioner as proposed defendant, he was constrained to file the present transfer petition.



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WEB COPY 5. The learned counsel for the first respondent would mainly contend that as of now the petitioner is not a party to the suit in O.S.No.3 of 2019, but the fact remains that the very same first respondent has taken steps to implead the petitioner in the suit and even after his attempt ended in failure, has preferred a revision challenging the dismissal order and the revision is pending before this Court in C.R.P(MD)No.468 of 2024.

6. Considering the facts and circumstances of the case and taking note of the submissions made on both sides, this Court decides that the suit in O.S.No.3 of 2019 is ordered to be withdrawn from the file of the Sub Court, Thirumangalam and transfer the same to the VI Additional District Court, Madurai. The learned Subordinate Judge, Thirumangalam, is hereby directed to transmit the entire records in O.S.No.3 of 2019 to the file of the VI Additional District Court Madurai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned VI Additional District Judge, Madurai, is directed to take up the suit on file and proceed in accordance with law.



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7.The learned Additional Government Pleader appearing for the respondents 2, 4 & 5 would submit that that since the suits are pending from 2017 onwards, the trial Court may be directed to dispose of the same at an early date.

8.Considering the above, the first suit in O.S.No.71 of 2017 is pending from 2017 onwards and the other suit is pending from 2019 onwards, the learned VI Additional District Judge, Madurai, is directed to proceed with the trial and dispose of the same within a period of four months from the date of receipt of copy of this order. It is for the trial Court to decide as to whether both suits are to be tried jointly or simultaneously.

9.With the above directions, the Transfer Civil Miscellaneous Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.
No costs.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To

- 1.The Sub Judge, Thirumangalam.
- 2.The VI Additional District Judge,
Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.449 of 2023
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