

**Anandan Vs. S.Sujathan**

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**SooperKanoon Citation :** [sooperkanoon.com/1094513](http://sooperkanoon.com/1094513)

**Court :** Kerala

**Decided On :** Sep-27-2013

**Judge :** Honourable Mr.Justice P.N.Ravindran

**Appellant :** Anandan

**Respondent :** S.Sujathan

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN FRIDAY,THE27H DAY OF SEPTEMBER20135TH ASWINA, 1935 Tr.P(C).No. 360 of 2013 () ----- TO TRANSFER OS.NO. 243/2009 OF SUB COURT, PATHANAMTHITTA TO BE TRIED JOINTLY WITH OS26209 OF SUB COURT, MAVELIKKARA ----- PETITIONER : ----- ANANDAN, S/O.JANARDHANAN KATTUMADOM, NADUVELIKKARA MURI PALLICKAL BHARANIKKAVU. (THE PLAINTIFF IN OS24309 OF SUB COURT,PATHANAMTHITTA & DEFENDANT IN OS26209 OF SUB COURT,MAVELIKKARA). BY ADVS.SRI.K.V.SADANANDA PRABHU SRI.C.S.AJITH PRAKASH RESPONDENT(S): ----- 1. S.SUJATHAN (60), S/O.SUKUMARAN, RESIDING AT KATTUMADATHIL PALLICKAL NADUVILE MURI, BHARANIKKAVU VILLAGE MAVELIKKARA TALUK.

2. ATLAS MINES AND GRANITES INDIA LTD. REGD. OFFICE AT MAVELIKKARA REPRESENTED BY ITS DIRECTOR S.SUJATHAN (60) S/O.SUKUMARAN, RESIDING AT KATTUMADATHIL PALLICKAL NADUVILE MURI, BHARANIKKAVU VILLAGE MAVELIKKARA TALUK. (THE PLAINTIFFS IN OS26209 OF SUB COURT, MAVELIKKARA & DEFENDANTS IN OS24309 OF SUB COURT, PATHANAMTHITTA) R1 & R2 BY ADVS. SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL) SRI.A.R.DILEEP SRI.MANU SEBASTIAN SRI.K.J.SHARATH KUMAR THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...2/- Tr.P(C).No. 360 of 2013 () APPENDIX PETITIONER'S ANNEXURES : ANNEXURE1: COPY OF THE PLAINT IN OS24309 ON THE FILE OF THE SUB JUDGE, PATHANAMTHITTA. ANNEXURE2COPY OF THE PLAINT IN OS26209 ON THE FILE OF THE SUB JUDGE, MAVELIKKARA. ANNEXURE3COPY OF THE CERTIFICATE OF INCORPORATION DATED 24/7/2008. ANNEXURE4COPY OF THE AMENDMENT PETITION IA9552013 IN OS26209. RESPONDENT'S EXHIBITS : NIL //TRUE COPY// P.S. TO JUDGE Mn P.N.RAVINDRAN, J.

----- Tr.P.(C).No.360 of 2013  
----- Dated this the 27th day of September, 2013

## ORDER

The petitioner is the plaintiff in O.S.No.243 of 2009 on the file of the Court of the Subordinate Judge of Pathanamthitta. The respondents are the defendants therein. The respondents as plaintiffs have instituted O.S.No.262 of 2009 in the Court of the Subordinate Judge of Mavelikkara and in that suit, the petitioner herein is the sole defendant. The relief sought in this transfer petition is to transfer O.S.No.243 of 2009 from Sub Court, Pathanamthitta to Sub Court, Mavelikkara for trial and disposal along with O.S.No.262 of 2009.

2. Heard the learned counsel on both sides. While learned counsel appearing for the petitioner contended that O.S.No.243 of 2009 should be transferred from Sub Court, Pathanamthitta to Sub Court, Mavelikkara for joint trial along with O.S.No.262 of 2009, learned counsel appearing for the respondent submitted that

O.S.No.262 of 2009, which was later filed by them in the Sub Tr.P(C)No.360/2013 -:2:- Court, Mavelikkara, may be transferred to the Sub Court, Pathanamthitta where the first of the suits was instituted. Such a contention is raised mainly on the ground that officials who will have to be examined as witnesses are all in Pathanamthitta and that it would not cause any inconvenience to either of the parties or to the witnesses if O.S.No.262 of 2009 is transferred to Pathanamthitta.

3. After considering the rival submissions and in view of the admitted fact that the plaintiff had instituted the first of the suits at Pathanamthitta, I am of the opinion that the proper course would be to transfer O.S.No.262 of 2009 from Sub Court, Mavelikkara to Sub Court, Pathanamthitta. I accordingly transfer O.S.No.262 of 2009 instituted by the respondents as plaintiffs in the Court of the Subordinate Judge of Mavelikkara to the Court of the Subordinate Judge of Pathanamthitta. It will be open to either of the parties to move the Sub Court, Pathanamthitta for joint trial of the two cases and in the event of such an application being filed, the same shall be disposed of within two weeks from Tr.P(C)No.360/2013 -:3:- the date on which it is filed. The Subordinate Judge of Pathanamthitta shall endeavour to dispose of the suits expeditiously and in any event within six months from the date of receipt of a copy of this judgment. P.N.RAVINDRAN, Judge. ahg. P.N.RAVINDRAN, J.

----- Tr.P.(C).No.360 of 2013 -----

ORDER

26h September, 2013

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