

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.32 of 2015 and
MP.No.1 of 2015

South Andhra Lutheran Church
A Society registered under the
Societies Registration Act
Represented by its Secretary
Mr.Dasari John Sundaram
No.9-92, West Church Compound,
Tirupathi, Andhra Pradesh.

...Petitioner

versus

1.Yagani Adam Moses
2.Bethena Arunodaya Kumar
3.Kaluva Balashankara Reddy
4.Parri Subaramaiah
5.A.Asiam
6.A.Afzal
7.A.Ariff
8.Sadiq
9.The Sub-Registrar,
Purasawalkam,
Chennai - 600 007.

...Respondents

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer O.S.No.7306 of 2012 pending before the XI Assistant City Civil Court, Chennai to the XIV Assistant City Civil Court, Chennai to be tried along with O.S.No.3569 of 2011.

For Petitioner : Mr.S.Rajmakesh

For Respondents : Mr.G.Mohanakrishnan for R1 and R2

ORDER

This transfer petition is filed to withdraw the proceedings in O.S.No.7306 of 2012 from the file of XI Assistant City Civil Court, Chennai and transfer the same to the file of XIV Assistant City Civil Court, Chennai, for disposal along with O.S.No.3569 of 2011.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for respondents 1 and 2 submitted that the respondents have no objection in transferring the suit in view of the common question involved in both the matters.

4. The suit in O.S.No.3569 of 2011 was filed by the petitioner herein before the XIV Assistant City Civil Court, Chennai, praying for a decree of permanent injunction. The subsequent suit in O.S.No.7306 of 2012 was filed by the petitioner before the XI Assistant City Civil Court, praying for a decree of declaration and injunction. The subsequent purchasers were shown as defendants in O.S.No.7306 of 2012. Except the subsequent purchasers, all the other parties are parties in both the suits. The schedule of property is also same in both the suits. In view of the involvement of common question of fact and taking into account

the submission made by the learned counsel for the respondents 1 and 2, I am of the view that the transfer petition deserves to be allowed.

5. The proceedings in O.S.No.7306 of 2012 is withdrawn from the file of XI Assistant City Civil Court, Chennai and is transferred to the file of XIV Assistant City Civil Court, Chennai, for disposal along with O.S.No.3569 of 2011.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

10.11.2016

Index:Yes/No
svki

To

- 1.The XI Assistant City Civil Court, Chennai
- 2.The XIV Assistant City Civil Court, Chennai

K.K.SASIDHARAN,J.

(svki)

Transfer CMP No.32 of 2015

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