

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **14.11.2016**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

**Application Nos.4154 and 4155 of 2013**

**in**

**C.S.No.601 of 2013**

1. A.Sajidha Begum
2. A.Khan Abdul Gaffar Khan
3. A.Anees Fathima

[ Applicants ]

vs

1. Sulthan Beevi
2. S.A.Jhan Mohammed
3. S.A.Malick
4. Mumtaj Begum
5. Runisha Begum
6. S.A.Zahir Hussain
7. S.A.Sulaiman
8. S.A.Mohammed Nazar
9. S.A.Mohammed Abdul Rahim
- 10.S.A.Abdul Kareem
- 11.S.A.Mohammed Ali Jinnah

[ Respondents ]

Prayer: Applications filed under Order XIV Rule 8 of O.S. Rules r/w Section 24 of the Code of Civil Procedure (i) to withdraw and transfer the suit in O.S.No.3417 of 2013 on the file of the XV Additional City Civil Court, Chennai and to be tried along with the above suit in C.S.No.601 of 2013 and (ii) to grant stay of all further proceedings in O.S.No.3417 of 2013 on the file of the XV Additional City Civil Court, Chennai, pending disposal of the Transfer Application.

For Applicants : Mr.G.Jeremiah

For Respondents: Mr.R.Venkatavarathan  
for RR1 to 6

**COMMON ORDER**

Heard both sides.

2. The present suit is filed for a declaration declaring that the second and third plaintiffs are the absolute owners of the suit property.

3. It is stated by the learned counsel for the applicants/plaintiffs that the respondents/defendants 1 to 6 herein, filed a suit for partition and also challenging the settlement deed executed in favour of the applicants/plaintiffs 1 and 2 in O.S.No.3417 of 2013, which is pending on the file of the XV Additional City Civil Court, Chennai. Since the parties and the properties are substantially the same, the learned counsel prayed that the said suit be withdrawn from the file of the XV Additional City Civil Court, Chennai to the file of this Court and to be tried along with the above suit. Hence, **Application No.4154 of 2013** has been filed.

4. **Application No.4155 of 2013** has been filed to grant stay of all further proceedings in O.S.No.3417 of 2013 on the file of the XV Additional City Civil Court, Chennai, pending disposal of the Transfer Application.

5. The learned counsel appearing for the respondents/defendants 1 to 6 expressed no serious objection for transferring the suit filed by them in O.S.No. 3417 of 2013 from the file of the XV Additional City Civil Court, Chennai to the file of this Court, to be tried along with this suit.

6. Having regard to the submissions made on either side, the suit filed by the respondents/defendants 1 to 6 in O.S.No.3417 of 2013 for partition on the file of the XV Additional City Civil Court, Madras is withdrawn and transferred to the file of this Court, to be tried along with C.S.No.601 of 2013. Accordingly, Application No.4154 of 2013 is ordered as prayed for.

7. In view of the order passed in Application No.4154 of 2013, no separate order is necessary in Application No.4155 of 2013 granting stay of the said proceedings. Hence, the same is closed.

8. With the above observation, both these applications are disposed of.

14.11.2016

vj2

**PUSHPA SATHYANARAYANA, J.**

vj2

**Application Nos.4154 and 4155 of 2013**  
**in**  
**C.S.No.601 of 2013**

**14.11.2016**

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