

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

The Hon'ble Mr.Justice K.K.Sasidharan

Transfer CMP No.672 of 2016
and
CMP.No.17624 of 2016

1. N.Nalini
2. A.Peter Raj ...Petitioners
versus

1. S.M.Balan
2. The Sub Registrar, Adyar,
Chennai - 600 020. ...Respondents

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the suit in O.S.No.333 of 2013, from the file of the Subordinate Court, Tambaram, to be transferred to the file of the Principal District Court, Chengelpet, to be tried along with O.S.No.233 of 2012.

For Petitioners : Mr.S.Muthukumar

For Respondents : No appearance

O R D E R

The plaintiffs in O.S.No.333 of 2013, on the file of the Subordinate Court, Tambaram, are the petitioners in this Transfer Petition.

2. There are two Suits pending on the file of two different Courts between the parties. The petitioners filed O.S.No.333 of 2013, before the Subordinate Court, Tambaram, praying for a decree of declaration and injunction. The first respondent filed O.S.No.233 of 2012, before the Principal District Court, Chengelpet, praying for a decree of declaration and mandatory injunction.

3. The schedule of property is one and the same in both the Suits. The petitioners have come up with this Transfer Petition, seeking transfer of the Suit in O.S.No.333 of 2013.

4. Heard the learned counsel appearing on behalf of the petitioners. None appears on behalf of the first respondent, inspite of printing his name in the cause list after service.

5. The petitioners filed a Suit in O.S.No.333 of 2013, before the Subordinate Court, Tambaram, against the first respondent and Sub Registrar, Adyar. The first respondent, on the other hand, filed Suit against the petitioners before the Principal District Court, Chengelpet.

6. I have perused the Plaint filed in O.S.No.233 of 2012 and O.S.No.333 of 2013. The Suits are in respect of the very same property. The parties wanted to set aside the documents enumerated in both the Suits. Such being the factual position, the petitioners were correct in making a request for transfer of O.S.No.333 of 2013.

7. In the result, the Civil Suit filed by the petitioners in O.S.No.333 of 2013 is withdrawn from the file of the Subordinate Court, Tambaram, and is transferred to the file of the Principal District Court, Chengelpet, for joint trial with O.S.No.233 of 2012.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Subordinate Court,
Tambaram.
- 2.The Principal District Court,
Chengelpet.

+1cc to Mr.S.Muthukumar, Advocate Sr.68559

Transfer CMP No.672 of 2016

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